

BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

BOARD OF DIRECTORS

REGULAR MEETING

Wednesday
February 23, 1977
10:30 A.M.

939 Ellis Street
San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P.
Doetsch, Sr., James P. Kenny,
Ruth Koehler, Elwon Lance, James
Lemos, Daniel A. McCorquodale,
Alfred J. Nelder, Richard Oliver,
Charles Santana, Geraldine Steinberg,
Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT:

Edward J. Bacciocco, Jr., Marguerite
Leipzig, Gerald M. Poznanovich.

ADVISORY COUNCIL MEMBERS
PRESENT:

Shirley Campbell, Robert J. Debs.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Terry Condy,
Thomas F. Crawford, Warren R. Crouse,
Milton Feldstein, Richard W. Grieves,
Dario Levaggi, Donald A. Monaghan
Edward W. McHugh, Douglas Winget,
Mabel Harder.

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MAR 14 1977

UNIVERSITY OF CALIFORNIA

Chairperson Nelder called the meeting to order at 10:35 A.M.

Mr. Chapman presented his Statement Before EPA this morning, entitled, Statement of the Board of Directors of the Bay Area Air Pollution Control District Concerning Off-Set Policies Relative to the Construction of New Sources in Nonattainment Areas, dated February 23, 1977.

Mr. Cooper stated that in his presentation before EPA he stated he was representing himself and he was in favor of the trade-off rule because the District presently has one.

Mr. Tamaras arrived at 10:40 A.M.

DISTRICT ORIENTATION PROGRAM

Mr. Callaghan by means of a slide reviewed the Organizational Chart of the District.

A. Legal - Mr. Powell

Mr. Powell reviewed the activities of the Legal Division, pointing out his office provides advice to the Board, Advisory Council, APCO and other Staff members; that the personnel confer with members of the ARB and EPA Staff and try to keep abreast of developments in those agencies, as well as legislation.

He reviewed the enforcement authority of the District, pointing out it has authority to seek injunction, and permit revocation and that the latter has been used with respect to Urich Oil and Standard Oil. He reviewed the variance procedure and the Hearing Board's authority thereunder; the abatement procedure; civil penalty procedures. He pointed out that over 1,000 violation notices are received per year and he reviewed the procedure for processing them, pointing out that the settlements generally are \$150.00 for first violation; \$300.00 for second violation and \$500.00 for third; that settlements can be reduced depending on the circumstances and on concurrence of the APCO.

Dr. Lance arrived at 11:05 A.M.

He reviewed the penalties collected during the fiscal years 1969-76, pointing out they had increased from \$6,350 to \$149,900 to date in the 1976 fiscal year.

On inquiry from Ms. Tirsell, Mr. Powell pointed out that the District can proceed on an abatement action at the same time it is proceeding on civil penalty; that abatement is initiated in the Enforcement Division and that generally if there are 3 or more violations on the same source the Enforcement Division will investigate and if appropriate prepare a Case Summary; that there has to be a continuing problem in order to seek abatement.

On inquiry from Mr. Chapman; Mr. Powell reviewed the Accusation filed against Standard Oil Company, stating it concerned the LSFO operation; that the District's position is that SO hasn't reduced the emissions and that SO disagrees with the figures.

Mr. Doetsch inquired if the District had authority to require a performance bond from SO and others to which Mr. Powell responded that the Hearing Board has such authority and has required this on one occasion.

There was discussion on the Hearing Board, Mr. Callaghan pointing out that the Law is specific with respect to the authority of the Hearing Board and its responsibilities; that it is a quasi-judicial body and once appointed the responsibility is as under the Law, although the Board would not be precluded from writing them a letter expressing any concern it had.

On inquiry from Mrs. Steinberg as to how the Board can judge the enforcement action and the effectiveness of the regulations, Mr. Powell pointed out that a report is made monthly on the number of violation notices issued. Mr. McCorquodale pointed out that over the years there has been discussion on refining the reporting system; that it is necessary to know whether the violation is from the same source or a separate source for a large operation. Mrs. Koehler stated she had some ideas on improving the reporting system, specifically that there should be information on what Case Summaries are being prepared, and that the information presented in the Legal report could be in alphabetical order by statute.

After further discussion, Mr. Callaghan stated the Staff would investigate the suggestions and report back to the Board.

B. Enforcement Procedures - Mr. Brinkley

Mr. Brinkley reviewed the procedures pointing out they were governed by §§40752, 40753. By means of slides he reviewed the Organizational Chart of the Enforcement Division. He reviewed the responsibilities and duties of the 4 Operations Officers, Communication Officer, Biostatistician, Vehicle Patrol, Field Engineering.

The Board recessed at 11:55 A.M. and reconvened at 12:30 P.M.

Mr. Brinkley by means of a slide reviewed the 4 Inspector assignment areas, the 8 regulations, the Enforcement tools used including the J. W. Meter, Lab analysis, Ringelmann readings, GLM instruments, in-stack monitors, permit system, reporting requirements.

Mr. Cooper left at 12:45 P.M.

By means of a slide Mr. Brinkley reviewed Violation Notice processing, stating that after 3 violation notices had been issued, which number has been set as a guideline, the Staff has a preliminary conference with the source to try to solve the problem; that civil penalty is recommended on the first violation notice; that continuous violations have been eliminated. He reviewed the upset/breakdown regulation.

Mr. Tamaras left at 1:10 P.M.

C. Engineering Services Division - Mr. Crouse

Mr. Crouse reviewed the responsibilities of the Engineering Services Division, stating it included operating the permit system, preparing the Source Inventory, the Special projects including regulation change, and information for the Advisory Council in its deliberations.

By means of a slide, he reviewed the Organizational Chart of the Division and the functions of each section.

Mr. Crouse reviewed a chart, Controlled Jurisdiction Breakdown with respect to the District, ARB and EPA. He briefly reviewed the development of the yearly Source Inventory and the charts therefrom on the various contaminants as well as a slide on Percentage of Emissions in each County for particulate, organic, SO₂, and CO.

Mr. Crouse reviewed the energy outlook, stating that additional uses for coal must be instituted and more nuclear plants must be built; that these cannot be substituted for oil and gas immediately because of the lag time necessary for implementation. He showed slides in connection with this topic, stating that the U. S. with 6% of the world population uses 35% of the energy consumption. He showed a slide on where energy comes from, advising that the amount of energy to produce energy could be 38-90%, depending on what is being used to create it. He reviewed the following slides: Domestic Reserve of Oil and Natural Gas and Coal; Proven Reserve - Oil, Gas and Coal - 1971; Proven and Potential Oil and Gas Reserves in California; Oil Production in California; California Gas Production; California Basic Energy Law - 1970; Basic Fuels, 1970-1985.

On inquiry from Mr. Chapman with respect to solar energy, Mr. Crouse responded that for the present and for the next 10 years it was not going to be significant from the standpoint of being part of the market or use.

He reviewed the following slides: California Basic Energy Supplies; California Energy Use by Source 1970-1985.

Mr. Crouse stated his personal feeling was that it was necessary to increase the domestic energy supply, take energy conservation measures, modify Federal and State air quality regulations, improve economic climate for energy production, expand research and development programs, develop a public information program to assist in bringing this about.

On inquiry from Mr. Santana, Mr. Callaghan advised that the State of California 2 years ago instituted an Energy Commission and it is their responsibility to study the demands and to make a study and provide solutions; that the PUC is also involved.

Mr. McCorquodale stated he felt that public information was important in this area, pointing out that Marin County has been able to live on less water than it did a year ago; that perhaps this could be accomplished in other counties and thus conserve on a regular basis; that there is a need for a transit system that is viable and works; that priorities on uses of energy must be established.

Mr. Crouse pointed out that the amount of energy used in the United States per year is \$220 billion; that with enough research and planning the country might be able to continue to so use.

Dr. Cullen stated he was concerned that because of the energy crisis in a few years there will be pressure for relaxing the air pollution control standards.

Ms. Tirsell stated that fusion power needs to be addressed and that the United States has no energy policy and no definitive goals and that this needed to be established.

Mr. Kenny reported on a conference which he attended in Reno at which the matter of energy was discussed stating that each county needed to be concerned about its energy uses and that windmills and thermal power needed to be addressed; that there was a need to use BART.

Dr. Lance left at 2:05 P.M.

After further discussion, Mr. Santana moved that agenda items 2 - d, e, f, and g be continued until the next sessions; seconded by Mr. McCorquodale.

Mr. Oliver requested that the Administration Division in its presentation advise the Board on how the building is financed and operated and how it is managed.

The motion carried.

Mrs. Christine Bell, President, BAAPCD Employees' Association presented a statement, Orientation Presentation Before the BAAPCD Board of Directors.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, March 2, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 2:10 P.M.

Respectfully submitted,

Mabel Harder, Secretary

Mr. MacGonigle stated in his last public information was
important in this case, pointing out that Santa County has been
this to live on less water than it did a year ago; that perhaps
this could be accomplished in other counties and this committee on a regular
basis; that there is a need for a feasible system that is
viable and workable; that priorities in use of energy must be established.

Mr. Graham pointed out that the amount of water used in the United
States per year is about 1 billion; that in some cases, water is being
the country almost as much as in some.

Mr. Graham stated it was suggested that because of the energy crisis
in a few years there will be pressure for reducing the use of energy
control measures.

Mr. Graham stated that Santa County needs to be addressed and that
the United States has an energy policy and no other policy and
that this needs to be established.

Mr. Kohn reported on a conference which he attended in Reno, at
which the matter of energy was discussed. He stated that Santa County
needed to be considered about the energy crisis and that this
and other points needed to be addressed. Mr. Kohn was asked to
see what.

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Mr. Kohn stated that the Santa County Board of Directors is aware of the
energy crisis and is working on it. He stated that the Board is aware of the
energy crisis and is working on it. He stated that the Board is aware of the
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energy crisis and is working on it. He stated that the Board is aware of the
energy crisis and is working on it.

The motion carried.
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energy crisis and is working on it.

THE BOARD OF DIRECTORS

19:00 A.M., Thursday, March 2, 1977, Santa County Board of Directors
California

The meeting adjourned at 19:00 A.M.

Respectfully submitted,

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AIR POLLUTION CONTROL DISTRICT
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BOARD OF DIRECTORS
REGULAR MEETING

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UNIVERSITY OF CALIFORNIA

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San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr., Sam
Chapman, Fred F. Cooper, Stuart
C. Cullen, Ralph P. Doetsch, Sr.,
James P. Kenny, Ruth Koehler,
Elwon Lance, Marguerite Leipzig,
James Lemos, Daniel A. McCorquodale,
Alfred J. Nelder, Richard Oliver,
Charles Santana, Geraldine Steinberg,
Peter Tamaras, Helen Tirsell.

BOARD MEMBER ABSENT:

Gerald M. Poznanovich.

ADVISORY COUNCIL MEMBERS
PRESENT:

Robert J. Debs, Scott Lynn.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Hulan F. Brinkley,
Warren R. Crouse, Milton Feldstein,
Dario Levaggi, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Mabel Harder.

APPROVAL OF MINUTES OF FEBRUARY 16, AND FEBRUARY 23, 1977

Ms. Harder advised that the Minutes of February 23 were not available.

Mr. Lemos moved the approval of the Minutes of February 16, 1977; seconded by Mr. Kenny; carried.

REPORT OF THE EXECUTIVE COMMITTEE
Alfred J. Nelder, Chairperson

Mr. Nelder called attention to his report, Recommendations of Executive Committee, dated February 25, 1977.

Mr. McCorquodale reviewed those recommendations with respect to the Subcommittee on Enforcement Procedures Revision and the Board took the following action thereon:

1. Violation Notices should be processed by the Enforcement Division within 30 days after issuance and then forwarded to the Legal Division. In reporting on those violation notices which are not valid, Staff could use the terminology, "no cause for further action", instead of "no further action".

Mr. McCorquodale pointed out that the Committee did recognize that it might take the Enforcement Division 45 days in some cases to process violation notices because of the ground level monitoring requirements.

Mr. McCorquodale moved the Board approve the recommendation; seconded by Mr. Lemos; carried on roll call:

AYES: CHAPMAN, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: BACCIOCCO, COOPER, POZNANOVICH, TAMARAS.

2. The Vehicle Patrol should be retained at its present strength of 7 positions.

Mr. McCorquodale moved the Board approve the recommendation; seconded by Mr. Doetsch.

In discussion, Mr. McCorquodale reviewed the background on the establishment of the Vehicle Patrol; that the Patrol had been used in other areas such as the Vapor Recovery Program; that there was concern about the cost-effectiveness of the Patrol. On inquiry

from Mrs. Steinberg, Mr. McCorquodale advised that the Highway Patrol has authority to stop smoking vehicles but that it is doing less of it; that the District receives a number of complaints on smoking vehicles and that it is felt the public's concern should be responded to. On inquiry from Mrs. Steinberg as to effectiveness on air quality, Mr. Feldstein responded that the District received 70-90 complaints per month; that it is highly visible smoke in a localized area. Mr. Chapman stated that he had opposed the Vehicle Patrol at its full strength when it was solely for the purpose of citing smoking vehicles; that after thorough discussion in Executive Committee a consensus was reached that it should be maintained at its present strength and its duties broadened.

The motion carried on roll call:

AYES: CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: BACCIOCCO, POZNANOVICH, TAMARAS.

3. Vehicle Patrol personnel should be given additional training as that given to other Inspectors so that they can be more efficiently utilized and at the same time Staff is to be directed to review the Class Specifications and also Salary Range if appropriate and report back to the Committee with appropriate Class Specification and Description for the job the Patrol is supposed to be doing.

The Committee discussed at some length the desire to utilize the Vehicle Patrol in other areas and to equate them with the other Inspectors, and thus broaden their responsibilities, but the Committee also felt it desirable to keep the cars on the highway, and thus visible.

Mr. McCorquodale stated there was some discussion in Executive Committee this morning as to the exact wording of the recommendation and suggested the matter be held until the Committee's next meeting. Mr. Chapman stated that his recollection was that the words, "as that given to other Inspectors" was to be eliminated; the Committee feeling it should not specify the exact type of training they should receive until the Class Specifications have been reviewed by the Staff and presented to the Committee.

After discussion, Mr. McCorquodale moved to delete the words, "as that given to other Inspectors", from the recommendation; seconded by Mr. Chapman; carried on roll call:

AYES: CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: BACCIOCCO, POZNANOVICH, TAMARAS.

Mr. McCorquodale moved that Item No. 3 be approved as amended; seconded by Mr. Chapman; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH, TAMARAS.

Mr. Chapman reviewed the recommendations under the Subcommittee on Organization and Board Effectiveness, and the Board took the following action thereon:

1. Dispense with duplication of agenda packets. Directors to bring the packet of material with them to the meeting. Ms. Harder to have several packets of material available at the meeting for Directors who fail to bring their material. Each report to be numbered to correspond with the agenda item.

Mr. Chapman moved the adoption of the recommendation; seconded by Dr. Lance; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH, TAMARAS.

2. Agenda material in mailing folder to be assembled by rubber band rather than clipping into a folder as presently done.

Mr. Chapman moved the adoption of the recommendation; seconded by Mrs. Koehler; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH, TAMARAS.

3. Staff to be directed to use 8½ X 11 paper to avoid different size paper being used.

Mr. Chapman moved the adoption of the recommendation; seconded by Mr. Oliver; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE,
NELDER, OLIVER, SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH, TAMARAS.

4. Different colored paper to be used for agenda and Minutes of the various meetings.

Mr. Chapman moved the adoption of the recommendation; seconded by Mrs. Koehler; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
 KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE,
 NELDER, OLIVER, SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH, TAMARAS.

5. Packet of materials to be furnished new Directors by the Secretary to the Board to include:

Board of Directors Roster
Advisory Council Roster
Staff Roster
The Law Affecting the Bay Area Air Pollution Control District
Regulations 1 through 8
Air Pollution in the San Francisco Bay Area.
Hearing Board Rules
Board of Directors Policies
Goals of the District
Emissions Inventory
Applicable Fiscal Year Budget
Administrative Code
Personnel Policies and Procedures adopted by the Board
Organizational Chart
By-Laws of Advisory Council
Minutes from last 3 months Board meetings
Minutes from last 3 months Committee meetings to which
a Director is appointed

Mr. Chapman moved the adoption of the recommendation; seconded by Mr. Oliver.

There was discussion on the permanent material to be in the packet at each Board meeting, Mr. McCorquodale stating that it was his understanding the material would be as was presently in the binders. Mrs. Koehler suggested that the Hearing Board Rules and By-Laws of Advisory Council be deleted from the packet of materials furnished each Director.

Mr. Tamaras arrived at 10:35 A.M.

Mr. Chapman amended his motion to approve Recommendation 5 with the understanding that the packet of materials to be at each Director's desk to be referred back to the Executive Committee; seconded by Mr. Oliver; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: . NONE.

ABSENT: POZNANOVICH.

6. The Proposed Budget each year to contain the following:

- A. Actual expenditures for the past fiscal year.
- B. Estimated expenditures for the past fiscal year.
- C. Each Department Head request for the applicable fiscal year.
- D. APCO recommendation for each Department for the applicable fiscal year.

Mr. Chapman moved the approval of the recommendation; seconded by Mr. Oliver.

In discussion, Dr. Lance suggested the word, "past" in B be changed to, "current", which was acceptable.

The motion as amended was then carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: MCCORQUODALE, POZNANOVICH.

7. Budget and Finance Committee to review format of existing Budget to determine if it is in a form that is readily understandable by the general public.

Mr. Chapman moved the recommendation be approved; seconded by Dr. Lance; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: MCCORQUODALE, POZNANOVICH.

8. Different member of Executive Committee designated by the Chairperson to be liaison with the Advisory Council; attending the Advisory Council Regular Meeting and reporting to the Executive Committee. Liaison Director would be changed every six months.

Mr. Chapman moved the approval of the recommendation; seconded by Mr. Oliver; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: MCCORQUODALE, POZNANOVICH.

9. Request Advisory Council to have representation present at Board meetings for significant items on which it has made recommendation.

Mr. Chapman moved the adoption of the recommendation; seconded by Dr. Lance; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: MCCORQUODALE, POZNANOVICH.

10. Executive Committee to explore the possibility of the District developing its own public service announcements for TV.

Mr. Chapman moved the adoption of the recommendation; seconded by Mr. Oliver.

In discussion, Mrs. Koehler stated that the Vapor Recovery Program would be an appropriate subject for this.

Motion carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NCES: NONE.

ABSENT: MCCORQUODALE, POZNANOVICH.

Chairperson Nelder advised the Committee discussed the auditors for the 1975-76 fiscal year; that the Committee felt a policy should be established limiting the number of years one particular auditor is used; that the Committee recommended Lindquist, Von Husen and Joyce for the 1975-76 fiscal year; that they had been the District's auditors for the past 4 years.

Mr. McCorquodale moved the Board approve the Committee's recommendation

of Lindquist, Von Husen and Joyce; seconded by Mr. Lemos.

In discussion, Mr. Oliver stated he felt the auditor should be rotated more frequently, with which Mr. Chapman agreed, pointing out the same discussion had occurred last year; that he thought the understanding was there would be a change this year. Dr. Lance advised the Committee also discussed recommending a 3 year policy and that bids be received on that basis.

The motion carried on roll call:

AYES: COOPER, CULLEN, DOETSCH, KENNY, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, SANTANA, TAMARAS.

NOES: BACCIOCCO, CHAPMAN, KOEHLER, OLIVER, STEINBERG, TIRSELL.

ABSENT: POZNANOVICH.

Mr. McCorquodale moved that the Board adopt as policy limiting any one auditor to any 3 years in a row; that when the District goes to bid next year it solicit as an alternate for a one year bid, a 3 year bid; seconded by Mr. Oliver.

In discussion, Mr. McCorquodale stated that it is contemplated that the bidding next year would exclude the present auditors.

The motion carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH.

REPORT OF THE BUDGET AND FINANCE COMMITTEE
Marguerite Leipzig, Chairperson

Mr. Kenney reported the Budget and Finance Committee met as a Subcommittee on February 23rd at which there was general review of the District's Budget; that the Committee recommends the adoption of the following Resolutions:

Resolution No. 1006, In the Matter of Authorizing the Chairman of the Board of Directors to Sign the Purchase Order in Amount Exceeding \$4,000.

Resolution No. 1007, In the Matter of Authorizing the Chairman of the Board of Directors to Assign Purchase Orders in Amounts Exceeding \$4,000.

Mr. Kenny so moved; seconded by Mr. Lemos; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, McCORQUODALE,
NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH.

REPORT OF THE PERSONNEL COMMITTEE
Daniel A. McCorquodale, Chairperson

Mr. McCorquodale called attention to his report, Hearing Board Appointments, dated February 24, 1977, and recommended the adoption of Resolution No. 1008, In the Matter of Appointing Rodney R. Beard, M.D., and Charles H. Kruger, PhD, as members of the Hearing Board; seconded by Mr. Kenny; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, McCORQUODALE,
NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH.

PUBLIC HEARING TO AMEND REGULATION 2 - IN-STOCK MONITORING

Mr. Callaghan briefly reviewed his report, Proposed Amendments to In-Stack Monitoring Regulation, dated February 22, 1977.

Mr. Feldstein by means of slides, reviewed the Status of ISM Program as of February 22, 1977; and Monitoring Requirements under §3210.5. He presented the APCO report, Staff Recommendation for a Change in Proposed Amendments to In-Stack Monitoring Presented to the Board, dated 2/14/77 (§3210.7), dated March 2, 1977, which would require performance testing only for those instruments for which EPA requires performance testing; that the Staff was suggesting the effective date of the amendments be 90 days after adoption which would give Lion Oil Company time in which to install the opacity meters.

Mrs. Koehler inquired if the amendments had been reviewed by the Advisory Council, to which Mr. Feldstein responded in the negative, stating they had reviewed the amendments to §3210.5 in December, 1976.

Mr. Cooper referred to the communication from Union Oil Company in which they requested action be deferred on the amendments until the Technical Committee had been able to provide its recommendations thereon.

Scott Lynn, Chairperson
Technical Committee
Advisory Council

in comments stated that because of some slipup in paper work the amendments were not sent to the Technical Committee until January 28;

that the Technical Committee has had a very busy agenda and has not been able to discuss the proposed amendments; that the Committee will meet on March 18 and will present its recommendations to the Council after that time.

Mrs. Koehler inquired if there were a deadline for adoption of the amendments to which Mr. Feldstein responded that it had passed.

Mrs. Koehler suggested establishing a Pending Referral List to the Advisory Council complete with dates as to when a report is to be made to the Board. There was discussion on how referrals are sent to the Advisory Council, Ms. Harder advising that the Chairperson of the Council is advised with respect thereto; that the Council had adopted as policy that each referral should be assigned by the Executive Committee but when there are time constraints, the Chairperson has been assigning the referral directly to the Committee.

Dr. Lance stated that he felt the Board should wait for response from the Council before adopting the amendments and moved that the matter be continued until a report is received back from the Advisory Council before taking action. There was no second.

Mr. Callaghan pointed out that if the amendments were not adopted today, Lion Oil Company would be in violation of the District's regulation.

Chairperson Nelder opened the public hearing at 11:25 A.M.

The Counsel furnished to the Secretary 9 Affidavits of Publication of Notice of Public Hearing.

Frank Strehlitz
PG&E

presented a written Statement to the BAAPCD regarding In-stack Monitoring Regulation Revision, dated March 2, 1977, pointing out that it will require a minimum of 120 days after installation for PG&E to complete the testing requirements; that PG&E will not be able to comply with §3210.9 until its computer data correction and compilation systems are functioning, estimated to be January, 1978; that only after the adoption of final requirements can PG&E authorize additional expenditures; that by coordinating the requirements with ongoing work, PG&E can save time and money.

Mr. Strehlitz urged the Board to take final action today on the proposed amendments, pointing out that they are the requirements of the ARB and EPA; that only the deadlines being imposed should be referred to the Advisory Council.

On inquiry from Mr. Cooper as to the effect of referring the proposed amendments to the Advisory Council, Mr. Callaghan responded that the regulations are mandated by EPA and ARB; that any changes in the

regulations made by the Advisory Council would have to be approved by the ARB and EPA; that the Advisory Council would have very little latitude with respect to them; that it was possible the Council could consider the standards totally unreasonable.

Mr. Feldstein stated that PG&E's problems could be solved by the Hearing Board through the variance procedure; that the Staff did not agree with the proposed changes.

Mrs. Jean Siri
Sierra Club

in comments supported the in-stack monitoring required by EPA and ARB but reserved comments on the Staff's proposal in its March 2, 1977 report since it had just been received.

The following communications were received with respect to the proposed amendments:

L. L. Krohn
Chief Refinery Engineer
Union Oil Company

Dorothy Harte
Larkspur

Ms. Harder read the Union Oil Company letter.

Mr. Callaghan advised that Union Oil would be exempt from the regulation.

Ford Bottomsley
Supervisor, Environmental Controls
Union Oil Company

in comments stated that for procedural reasons they wished the Board to receive the Advisory Council's recommendation; that because the Staff had now made it clear they were exempt, the request was withdrawn.

Mr. Cooper moved the public hearing be closed at 11:42 A.M.; seconded by Mr. Doetsch.

In discussion, on inquiry from Mr. Cooper, Dr. Lynn stated that it was doubtful the Advisory Council would change the recommendation presented by Staff; that companies making a good effort to come into compliance should be given the amount of time needed.

The motion carried.

Mr. Cooper moved that the Board adopt the amendments presented by Staff, but that it refer to the Advisory Council the question of compliance deadlines for the amendments; seconded by Mr. Kenny.

In discussion, Mr. Powell stated that if the Board took action today to amend the regulation, it was necessary for it to determine when

it is effective; that an effective date can be changed in the future after notice of public hearing.

Mr. Cooper withdrew his motion and moved that the Board indicate that it intends to adopt the proposed amendments after it has received the recommendations from the Advisory Council, particularly with respect to deadlines; seconded by Mr. Kenny.

In discussion, Mr. Callaghan pointed out that unless the amendments were adopted today, Lion Oil Company would be in violation of the District's regulation. Mr. Oliver stated he did not feel the motion solved PG&E's problem because PUC did not consider intents when setting rates.

There was discussion on the fact that a variance could be sought with respect to the time factor.

After further discussion, Mr. Cooper withdrew his motion and moved that the Board adopt the Staff's recommendation, plus the 90 days compliance and indicate to PG&E that if it has a problem getting a variance, the Board would look with sympathy on making a change in the deadline; there was no second.

Mr. Cooper moved the adoption of Resolution No. 1009, In the Matter of Amending Regulation 2 Relating to In-Stack Monitoring, which included the proposed amendments contained in the Staff reports dated February 22, 1977 and March 2, 1977; seconded by Mr. Oliver.

In discussion, Dr. Lance stated that he would still appreciate receiving the recommendations from the Advisory Council.

The motion carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE,
NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH.

Mr. Cooper moved that (1) Staff be instructed to tell the Advisory Council why the Board did not wait to receive its recommendation with respect to the In-Stack Monitoring amendments and if it has any comments thereon the Board would like to hear them; (2) that the Staff notify the Board if PG&E has any trouble getting a variance; seconded by Dr. Lance.

In discussion, Mrs. Koehler pointed out that the Board is notified of the Hearing Board actions and that she felt the latter portion of the motion was unnecessary.

The motion then carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE,
NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH.

SET A PUBLIC HEARING TO AMEND REGULATION 5 - AIR POLLUTION
EPISODE PLAN

Mr. Callaghan called attention to his report, Regulation 5, dated February 24, 1977, and suggested that a public hearing be held April 20, 1977 thereon.

Mr. Chapman moved that the public hearing to amend Regulation 5 be set for April 20, 1977; seconded by Mr. McCorquodale; carried.

Mrs. Koehler inquired if these amendments should be referred to the Advisory Council, to which Mr. Feldstein responded that the Advisory Council had been involved in the original regulation; that the amendments being proposed are those required by ARB.

Mrs. Koehler suggested that the Advisory Council be informed that this matter will be heard by the Board on April 20 and that if any individual Council member has comments the Board would appreciate hearing them, and Chairperson Nelder so ordered.

DISCUSSION REGARDING HOURS OF BOARD MEETINGS - DIRECTOR STEINBERG.

Mrs. Steinberg stated that she was under the impression that when the Board discussed having 3 meetings per month it was with the understanding that it would conclude its agenda before lunch, and suggested the Board establish as policy that it try to conclude its business by 1:00 P.M. to assist those who commute from a long distance.

Chairperson Nelder pointed out that there would be some days on which the agenda could not be completed by 1:00 P.M. and that on those occasions this would be brought to the attention to the Board for its consideration. Dr. Bacciocco suggested that if the meeting will continue past 1:00 P.M. sandwiches be brought in to expedite the meeting.

Mrs. Steinberg left at 12:10 P.M.

REPORT OF THE AIR POLLUTION CONTROL OFFICER

a. Legislation

Mr. Callaghan reviewed his report, Status Report on Legislation, 1977-78 Legislative Session, dated March, 1977.

Mr. Kenny requested the names and addresses of the ARB members.

SB-153 (Dunlap et al) - Would prohibit after January 1, 1978,
the manufacture and sale of saturated
chlorofluorocarbon not containing hydrogen.

Mr. Callaghan advised that Senator Dunlap has requested the Board take action on this bill; that it will be heard before the Senate Health and Welfare Committee on March 9, 1977.

Mr. Cooper moved the Board support SB-153; seconded by Mr. Chapman; carried.

Mr. Callaghan advised of a Nejedly Joint Resolution memorializing Congress to review the Clean Air Act.

Mrs. Koehler suggested that the Staff monitor property tax limitations legislation which might pertain to special districts and Chairperson Nelder so ordered.

SB-183 (Nejedly and Rodda) - Office of Planning and Research
would designate a lead agency, when
a permit relating to land use is
sought for more than one agency.

Staff was requested to provide a report on the Classification System hearings which are being held by ABAG and advise how it relates to the District.

b. Division Monthly Reports

The following reports were presented: Director of Enforcement Monthly Activity Report, February, 1977; Violation Notice Log, February 1977; Director of Technical Services Monthly Activity Report; January 20 through February 16, 1977; Director of Engineering Services Monthly Activity Report, January 21, 1977 to February 18, 1977; Status of Legal Matters - January 20 - February 17, 1977; Director of Public Information Monthly Activity Report - January 22 = February 22, 1977; Controller's Appropriation Statement and Cash Position, January 31, 1977.

COMMUNICATIONS
Daniel A. McCorquodale,
Secretary

The following communications were presented:

Notice of EPA hearing on Emission Offset Policy
on February 23, 1977.

Notice of EPA Public Discussion Session on the Toxic Substances
Control Act March 15, 1977 - Inglewood, California

Mrs. Jean Siri, President
West Contra Costa Conservation League
Testimony to EPA on Emissions Offsets on February 23, 1977.

Douglas G. Cowan
Walnut Creek Area Chamber of Commerce Legislative Forum
expressing appreciation that Director Lance will be present
on October 18 as a participant.

Charles Kinney, Counselor
Associated Building Industry of Northern California
copy of letter to EPA supporting the review and revision of
the present air quality criteria, standards and control programs
for photochemical oxidants.

L. L. Krohn
Chief Refinery Engineer
Union Oil Company
requesting the Board defer action on amending Regulation 2 with
respect to In-stack monitoring until the Advisory Council can
provide its recommendation.

Dorothy Harte
Larkspur
supporting the proposed amendments to Regulation 2 with respect
to In-stack monitoring because she supports anything that will
purify the air.

OTHER

Mr. Callaghan distributed a copy of a letter from Dow Chemical, U.S.A.
dated February 25, 1977 addressed to Senator Edmund S. Muskie in
connection with the proposed trade-off policy, pointing out that Dow
finds it generally unworkable.

Mrs. Koehler requested that a copy of the letter be sent to the
Advisory Council for use in its deliberations and Chairperson Nelder
so ordered.

- - -
Chairperson Nelder set the next Executive Committee meeting for
March 16, 1977 - 9:15 A.M.

- - -
Mrs. Leipzig set the next Budget and Finance Committee meeting for
March 16, 1977 - 9:30 A.M.

- - -
The following reports were presented: Pending Referrals from Board
of Directors dated February 21, 1977; Summary of Actions Taken,
February 16, 1977.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, March 16, 1977, 939 Ellis Street, San
Francisco.

The meeting adjourned at 12:15 P.M.

Respectfully submitted,

Mabel Harder, Secretary

MH:sp

A1581

BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

BOARD OF DIRECTORS

REGULAR MEETING

Wednesday
March 16, 1977
10:00 A.M.

939 Ellis Street
San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr., Sam
Chapman, Fred F. Cooper, Stuart
C. Cullen, Ralph P. Doetsch, Sr.,
James P. Kenny, Ruth Koehler,
Elwon Lance, Marguerite Leipzig,
James Lemos, Daniel A. McCorquodale,
Alfred J. Nelder, Richard Oliver,
Gerald M. Poznanovich, Charles Santana,
Geraldine Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBER ABSENT:

NONE.

EMTF REPRESENTATIVE PRESENT: Supervisor Dianne Feinstein.

ADVISORY COUNCIL MEMBERS
PRESENT:

Marshall A. Kent, William B.
McCormick.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Thomas H.
Crawford, Warren R. Crouse, Milton
Feldstein, Richard W. Grieves,
Dario Levaggi, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Douglas Winget, Mabel Harder.

- - -

Chairperson Nelder called the meeting to order at 10:10 A.M.

APPROVAL OF MINUTES OF FEBRUARY 23, AND MARCH 2, 1977

Mr. Callaghan requested a correction in the Minutes of March 2, 1977, page 11, paragraph 5, line 2, to read, "today, Union Oil Company ..."; and on page 13, paragraph 3, line 2, to read, " ... Union Oil Company ...".

On motion of Mr. Lemos; seconded by Mr. Kenny; the Minutes of March 2, 1977, were approved as corrected, and the Minutes of February 23, 1977 were approved as presented.

Mr. Chapman referred to the ARB Air Conservation Program regarding designating areas throughout the state for different levels of air quality, stating he felt the Board should address this matter and take a position for the March 31, 1977 hearing in San Francisco. Mr. Callaghan advised that the Staff was working on this and that a report would be given to the Board for its consideration at its meeting on March 23.

REPORT OF THE ENVIRONMENTAL TASK FORCE
Sam Chapman, Vice Chairperson

Mr. Chapman reported that at the last meeting of EMTF it received a report from Jean Leong, ABAG, regarding progress on the AQMP; following which there was extensive discussion regarding the delays which have resulted and which affect the completion of AQMP. He called attention to the motion adopted by EMTF dated March 9, 1977.

Supervisor Dianne Feinstein
Chairperson, EMTF

Reviewed the motion passed by EMTF urging concurrence from the District and MTC, pointing out that the draft of the Plan is due in four months; that \$199,500 in grants has been allotted to the District Staff for the AQMP, as well as an additional \$50,000 from ARB for computer costs; that the maximum amount of money should be used for AQMP and she requested an accounting of the monies as to how they were currently being spent; that a maximum commitment of Staff was needed in order to accomplish the task. She referred to Mr. Feldstein's memorandum, EMTF Work Program and Schedule, dated March 16, 1977.

In discussion, Mrs. Feinstein stated she felt it would be difficult to meet the ARB deadline of October, 1978. Mr. Cooper stated that part of the problem besides the Staff time was getting accurate and adequate information, to which Mrs. Feinstein responded that there were differences of opinion in that area. On inquiry from Dr. Cullen, Mrs. Feinstein pointed out that the ABA Task Force is the policy body for the project, and in order to move as rapidly as possible to solve the problem, the matter should not be referred to Joint Interagency Committee.

Dean Macris
ABAG

In comment pointed out the project was a difficult one; that three agencies were involved; that there was a need to demonstrate that Cities and Counties can take charge of environmental problems; that there had been a meeting yesterday between himself, and Messrs. Feldstein and Bay and that they would meet again on Monday. Mr. Cooper pointed out that it was important not to compromised the quality of the product and Mr. Macris assured that this would not be the case.

Mr. Feldstein reviewed his report, EMTF Work Program and Schedule, dated March 16, 1977, pointing out that the work of the three agencies was dependent on input from each and that the District was at the bottom of the chain with respect thereto; that the establishment of the Interagency Management Committee would provide guidance and policy decisions to the Joint Technical Staff. He requested the Board to approve the following:

1. Reaffirm the goals and schedules adopted by EMTF for the AQMP.
2. Direct District Staff to confer with the Interagency Management Committee to develop a working relationship between the three agencies which would accomplish the goals and schedules in the most efficient manner for all the agencies involved.
3. Report back to the various Boards and the EMTF Interagency Management Committees of an agreed upon working relationship for approval by the various Boards.

Mr. Feldstein advised that a summary of what has been done by the District Staff to date had been presented to EMTF and MTC; that 27 District Staff have been involved, 3-4 on a full time basis; that \$69,000 has been spent to date and that the balance of the fund would be used for computer runs for evaluation of the strategies that would be developed in the AQMP.

On inquiry from Dr. Cullen as to whether Mr. Feldstein's proposal was the same as that motion presented by EMTF, Mr. Feldstein responded that during the Interagency Management Committee meeting it was felt there was a more efficient way of accomplishing the goals than that motion proposed by EMTF and therefore they differed.

On inquiry from Mrs. Steinberg, Mr. Feldstein stated that the scheduled date for completion of the AQMP is August 10, 1977; that the Interagency Management Committee feels the date can be met; that it would take one week to present its ultimate plan to the Task Force. Mr. Chapman requested that a detailed work program with date identifying items to be completed be submitted and that if there is a slippage in the schedule that this be brought to the attention of the Board.

Mrs. Koehler pointed out that by August 31, 1977 AQMP is to be in draft form for the approval process and that a progress report should be made to the Board members who are not on EMTF with which Mr. Feldstein agreed.

After further discussion, Mr. Tamaras moved that the Board reaffirm the goals and schedules adopted by EMTF for the AQMP; that the District Staff be directed to confer with the Interagency Management Committee to develop a working relationship between the 3 agencies which would accomplish the goals and schedules in the most efficient manner for all of the agencies involved; that the Staff report back to the various Boards and the EMTF Interagency Management Committee of an agreed upon working relationship for approval by the various Boards; and that the Staff be directed to prepare a financial summary of funds expended and budget for remaining funds to be expended so it is clear to everyone where the money is going; seconded by Mr. Chapman.

In discussion, Mr. Cooper suggested that the matter be deferred until the Board's next meeting because of the many questions as to whether the goals can be met. Mr. Chapman pointed out that the motion made a commitment to the existing program and that a progress report could be made on March 23, 1977 but not set for action.

The motion then carried on roll call.

AYES: BACCIOCCO, CHAPMAN, CULLEN, DOETSCH, KENNY,
KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE,
NELDER, OLIVER, POZNANOVICH, SANTANA, STEINBERG,
TAMARAS, TIRSELL

NOES: NONE

ABSTAINING: COOPER

Chairperson Nelder requested a progress report be made to the Board at its Orientation Session on March 23, but not set for action.

REPORT OF THE EXECUTIVE COMMITTEE
Alfred J. Nelder, Chairperson

Chairperson Nelder reported that the Committee met prior to the Board meeting to discuss the Hearing Board office space and air conditioning system, which Mr. Callaghan will investigate further; as well as some of the recommendations made by the 3 Subcommittees.

Dr. Cullen review the recommendations of the Executive Committee on Long Range Goals and Programs, as follows:

1. Face to face discussions involving members of the BAAPCD Board members (including the Chairperson) of the ARB, and Administration of the local office of EPA should be held with the objective of developing a memo of agreement. This agreement would include, at least, establishment of respective jurisdictions, uniformity and consistency in standards of emission in air pollution, and measurements, in integration of control of air pollution from stationary and non-stationary sources.

Communication between the BAAPCD, ARB, and EPA be improved by some means of direct mutual participation in meetings and/or operations. Chairperson to work out the arrangements.

Dr. Cullen moved the Board adopt the recommendation of the Executive Committee with respect thereto; seconded by Mrs. Koehler; carried.

2. A continuing effort should be made by the BAAPCD Board to establish more effective and productive working relationships with other agencies concerned with and taking actions affecting air pollution.

Dr. Cullen moved the Board adopt the Committee's recommendation; seconded by Mrs. Koehler; carried.

3. Budget and Finance Committee to evaluate goals and objectives at Budget review time each year and recommend to the BAAPCD Board appropriate changes, deletions and additions.

Dr. Cullen moved the Board adopt the Committee's recommendations; seconded by Mrs. Koehler.

There was discussion as to whether the Administrative Code needed to be amended to include this in the duties of the Budget and Finance Committee, with Mr. Powell advising in the affirmative.

The motion carried.

Chairperson Nelder stated the Administrative Code would be amended on April 6, 1977 with respect thereto.

4. The BAAPCD Board should request Advisory Council to review the fuel situation, to ascertain as reliably as possible the future situation and make recommendation for policy decisions that may arise from the findings. Preferentially there should be direct participation by one or more members of BAAPCD Board in the discussions and development of recommendations for BAAPCD action.

Dr. Cullen moved the Board approve the Committee's recommendations; seconded by Mr. Chapman.

In discussion, Ms. Tirsell recommended that the Advisory Council seek information from the Lawrence Livermore Laboratory thereon.

The motion carried.

Dr. Cullen advised that he had been appointed by the Chairperson to serve as liaison to the Advisory Council.

5. The BAAPCD Board should establish as policy that Staff shall cooperate actively, without functioning as "free" consultants, with industry in a permit application process.

Dr. Cullen moved that the Board adopt the Committee's recommendations; seconded by Mrs. Koehler; carried.

Chairperson Nelder advised that Mr. Feldstein indicated this was already in process.

6. Staff of BAAPCD should update the Section starting with "Oxidant" on page 1 of the November 15, 1972 document through "Federal standards" ending on page 3.
(See Appendix)

Staff should update Table 1 of the above document.
(See appendix).

7. Staff should substitute the yearly Emission Inventory for Table 2 (See Appendix).

8. Staff should either update Tables 3, 4 and 5, or substitute the yearly Emission Inventory (See Appendix).

Dr. Cullen moved the Board adopt the Committee's recommendations; seconded by Mr. Chapman; carried.

REPORT OF THE BUDGET & FINANCE COMMITTEE
Marguerite Leipzig, Chairperson

Mrs. Leipzig reported that the Committee met prior to the Board meeting and recommend the adoption of Resolution No. 1010 in the Matter of Authorizing a Transfer of Funds to Provide for Expenses of the District, with respect to hiring a consultant to advise the Board of Directors and the employees on the question of withdrawal from Social Security; and she so moved; seconded by Mr. Doetsch.

In discussion, Mr. Chapman pointed out that other cities and counties have information and questioned the need for a consultant, to which Mrs. Leipzig responded that each government entity was unique and that she felt a consultant for the District was necessary. On inquiry from Mr. Oliver, Mrs. Leipzig stated it was not the intent that the consultant would design a retirement plan for employees but rather to study the needs of the District.

Mr. Grieves, Chairperson of the in-house committee to review the Social Security matter discussed the reasons for the recommendation to hire a consultant, advising that he had attended a conference at UCLA Institute on Industrial Relations at which one of the primary subjects was the question of withdrawal of public entities from Social Security; that the vast majority of cities and counties entered into their decisions to withdraw in ignorance, and pointed out that

San Jose was a classic case; that in every governmental body there were a number of various types of employee groups and that many times decisions are made favoring one or two groups; that hiring a consultant would give an objective viewpoint to the District since in comparison to other agencies it was relatively small.

On inquiry from Mr. Lemos, Mr. Grieves pointed out that the governing body has the final authority in the decision regardless of the employees' decision; that any time during the two year period from the time notice was given of intent to withdraw, the governing body can determine whether or not to withdraw.

Mr. Tamaras spoke in favor of hiring a consultant with which Mr. Kenny agreed stating that he was opposed to employees withdrawing from Social Security; that it was important for them to have this if they changed jobs.

On inquiry from Mrs. Koehler as to the time period in which to make a decision; Mr. Callaghan pointed out that it would be necessary for the Board to review the entire matter at Budget time because monies would have to be appropriated.

The motion carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, MCCORQUODALE,
NELDER, POZNANOVICH, SANTANA, STEINBERG, TAMARAS
TIRSELL

NOES: OLIVER

ABSENT: NONE

REPORT OF THE ADVISORY COUNCIL
Marshall A. Kent, Vice Chairperson

Mr. Kent briefly reviewed the Report of Advisory Council dated March 16, 1977, in which it was recommended that §3121 of Regulation 1 - Wildlife Management - be amended with respect to the burn periods, and in which an interim report on the matter of permit fees was given; that the Council did not believe it came under the definition of public officials as contained in the Cal. Adm. Code §18700 (a)(1) with respect to the Conflict of Interest.

In discussion, Mrs. Koehler inquired if the Council were going to consider a voluntary disclosure program, to which Mr. Kent responded that the Council did not propose to take any immediate action on its own code of ethics; that it was felt more information was needed.

that the recodification was a tremendous work load and it was felt this took precedence and that by the time this was complete, additional data might have been received from the FPPC which could be used in following up on the Board's referral if they wished; that the item had not been forgotten.

Mr. Cooper stated that he felt the Board was desirous of having the Council disclose income or assets, when the income is from an industry regulated by the Board or stock held therein, rather than requiring the Council to list all of its income and assets.

Mr. Powell advised that as requested by the Board he had sent a letter to the Council requesting that he meet with them on the possibility of amending the Conflict of Interest Code with respect to the Council; that on the date of such meeting he had received a letter from the FPPC dated March 7, 1977, which he read; that the Council after reviewing said information did not feel it came under the definition of public official; that if the FPPC excludes the Council from the Code, some manner of disclosure could be required by the Board; that when the FPPC has come to a conclusion, the Council intends to review the matter.

Mr. Cooper pointed out that the Board is concerned that the matter not be dropped but that it be discussed further when the FPPC opinion has been received.

There was discussion as to when the public hearing should be held on amending Regulation 1, and adopting the Permit Fees, and Chairperson Nelder set May 4, 1977.

On inquiry from Mrs. Koehler; Mr. Callaghan stated that Staff would make a legislative report on April 6, 1977 at which time SB-183 (Nejedly and Rhodda) would be discussed.

PUBLIC HEARING TO AMEND REGULATION 2 - PERMIT EXEMPTIONS

Mr. Callaghan reviewed his report, Permit Exemptions, dated March 8, 1977, pointing out there were two major changes: (1) - To require a permit for construction and operation if any of the exempted sources utilize air pollution control equipment to comply with District's regulations; (2) - Require permit for the storage of organic liquid in containers greater than 250 gallon capacity.

On inquiry from Mrs. Koehler, Mr. Callaghan stated that the District would advise as many sources as possible as to the necessity for a permit if abatement equipment is installed and that this might be done through the building departments in the cities and counties. Mr. Feldstein advised that it was the opinion of the Advisory Council and Staff that only restaurants installing air pollution equipment needed to control a problem should seek a permit; that A-5 exempts restaurants from permit requirements unless air pollution equipment is needed.

Chairperson Nelder opened the public hearing at 11:30 A.M.

Mr. Powell furnished the Secretary with nine Affidavits of Publication of Notice of Public Hearing.

The following made presentations:

Duane Kiihne
Peninsula Manufacturers Association

Presented a written statement requesting that §1313C.13 not be amended and that §1316F.8 be changed to 25,000 gallons or less.

Chairperson Nelder closed the public hearing at 11:37 A.M.

In discussion of PMA's concern with respect to §1316C.13 pertaining to grinding etc., Mr. Feldstein stated that such equipment creates air pollution problems with respect to dust and therefore should be covered by the permit system so that the Staff can evaluate the air pollution equipment; that such inclusion provides the inspector information on the location of such sources. Mr. Feldstein pointed out that with respect to their concern on the storage of organic liquids, the proposed amendment applied only to new materials but that eventually in the phased permit system all such storage would be covered by the system. On inquiry from Dr. Cullen, Mr. Feldstein stated that the Advisory Council was concerned that emissions from storage tanks could be significant and that permits should be required so that information could be developed on the quantity and location to aid in the development of additional regulations.

Mr. Cooper suggested that the concern with respect to §1316C.13 be referred back to the Advisory Council. Mr. Callaghan suggested the Board adopt the Staff's recommendation and request the Advisory Council to consider PMA's concern, pointing out that the regulation could be amended again if it were deemed advisable.

After further discussion, Dr. Cullen moved the adoption of Resolution No. 1011, In the Matter of Amending Regulation 2 Relating to the Exemption of Certain Sources from the District's Permit Requirements; seconded by Mrs. Steinberg.

In discussion, Mr. Cooper requested an addition to the motion that the Advisory Council be instructed to reconsider § 1316 C.13 with respect to grinding operations, which was acceptable to Dr. Cullen and the motion carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, McCORQUODALE
NELDER, OLIVER, POZNANOVICH, SANTANA, STEINBERG,
TAMARAS, TIRSELL

NOES: NONE

ABSENT: NONE

COMMUNICATIONS
Daniel A. McCorquodale, Secretary

The following communications were presented:

EMTF
Agenda for March 9, 1977.

Nancy J. Aurich
Assistant Project Administrator
Governor's Office of Planning and Research
regarding Outer Continental Shelf Lease Sale No. 53

EPA Office of Air and Waste Management Guidelines for
Control of Volatile Organic Emissions from Existing Stationary
Sources - Volume 1: Control Methods for Surface-Coating Operations.

Supervisor Dianne Feinstein
Chairman, EMTF
submitting a proposal with respect to the air quality
maintenance plan and requesting the District to concur in the
proposed approach.

Dr. and Mrs. Kenneth T. Brown
San Francisco
supporting the District's action with respect to the Dow Chemical
complex, and commenting on the "trade-off" approach.

OTHER

Mr. Callaghan called attention to his memorandum, Air Pollution
Control Association 70th annual meeting Toronto, Ontario, dated
March 15, 1977, requesting Board members advise him if they
desire to attend.

Mr. Nelder requested that flight information be sent to him.

Chairperson Nelder requested the Staff to make a progress report to
the Board at its meeting on April 6, 1977 with respect to Kaiser
Cement and Gypsum Corporation.

Chairperson Nelder stated the tour of the District's facilities
would be done after the Orientation Session on March 23, 1977.

Chairperson Nelder reported that Dr. Cullen has been appointed
to serve as liaison to the Advisory Council for the next 'six' months.

The following reports were presented: Pending Referrals from Board of Directors dated March 3, 1977; Summary of Action taken - Board of Directors, March 2, 1977; Board Referrals to Advisory Council dated March 15, 1977.

EXECUTIVE SESSION WITH DESIGNATED REPRESENTATIVES, PURSUANT TO GOVERNMENT CODE SECTION 54957.6 TO REVIEW BOARD'S POSITION AND INSTRUCT ITS DESIGNATED REPRESENTATIVES RELATIVE TO CONSULTATIONS AND DISCUSSIONS WITH REPRESENTATIVES OF EMPLOYEE ORGANIZATION

The Board went into Executive Session at 11:50 A.M., and reconvened at 12:25 P.M.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, March 23, 1977. 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:26 P.M.

Respectfully submitted,

Mabel Harder, Secretary

MH:se

A1581

BAY AREA AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

APR 7 1977

BOARD OF DIRECTORS REGULAR MEETING

Wednesday
March 23, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

- - -

M I N U T E S

BOARD MEMBERS PRESENT: Edward J. Bacciocco, Jr., Sam Chapman,
Fred F. Cooper, Stuart C. Cullen, Ralph
P. Doetsch, Sr., James P. Kenny, Ruth
Koehler, Elwon Lance, James Lemos,
Daniel A. McCorquodale, Alfred J.
Nelder, Richard Oliver, Charles Santana,
Geraldine Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBERS ABSENT: Marguerite Leipzig, Gerald M. Poznavovich.

STAFF MEMBERS PRESENT: D. J. Callaghan, Thomas F. Bell, Hulan F.
Brinkley, Paul Brand, Terry Condy, Warren
R. Crouse, Milton Feldstein, Terry Galvin,
Dario Levaggi, Donald Monaghan, John F.
Powell, Mabel Harder.

- - -

Chairperson Nelder called the meeting to order at 10:15 A.M.

Mr. Kenny arrived at 10:16 A.M.

REPORT ON ALTERNATE PLAN TO EMTF PROPOSAL

Mr. Feldstein called attention to the report from the Interagency Management Committee - AQMP dated March 21, 1977 and briefly reviewed it, specifically as to the recommendations contained therein. He reviewed the major strategies as contained in the report and the income and expenditures report attached thereto.

In discussion, on inquiry from Mr. Chapman, Mr. Feldstein stated that the District will provide one full-time programmer and one senior modeler will work 1/4th time on ABAG's mobile project; that the next phase of assignment will depend on the assignment.

On inquiry from Mrs. Koehler, Mr. Feldstein stated that the middle of August date would be met; that the program which has been adopted is essentially an interim program and that for the final program, the data base should be more quantitative so that there will be an effort in the second year to fine tune the data; that there will be continual planning and updating.

On inquiry from Dr. Bacciocco, Mr. Feldstein stated the report was agreed to by all three agencies; that the Interagency Management Committee will take a more active role in keeping the program on schedule.

Mr. Tamaras arrived at 10:29 A.M.

Dr. Bacciocco inquired if there were any disagreement among any of the representatives with respect to the current urgency being expressed with regard to dispersement of personnel and Mr. Feldstein replied in the negative.

After further discussion, Mr. Chapman moved to accept the report and adopt it; seconded by Mr. Kenny; carried.

DISCUSSION OF ARB AIR CONSERVATION PROGRAM

Mr. Callaghan briefly reviewed his report, Air Conservation Program - Air Resources Board, dated March 22, 1977.

Mr. Oliver arrived at 10:37 A.M.

Mr. Callaghan advised that the Staff would be meeting with ARB in workshop sessions on the matter and would continue to provide reports to the Board.

Mr. Feldstein pointed out that the ARB's present proposal on allowable increase would be permitted only in the vicinity of the Class A Area; that the District is in the Class D Area and that the EMTF and State Implementation Plan addresses this.

REPORT - EXECUTIVE COMMITTEE Alfred J. Nelder, Chairperson

Mr. Nelder reported that the Executive Committee did not meet prior to the Board meeting as scheduled due to the lack of a quorum, but that the Agenda would be continued to April 6, 1977, after the Board meeting.

REPORT - PERSONNEL COMMITTEE
Daniel A. McCorquodale, Chairperson

Mr. McCorquodale reported that the Personnel Committee met prior to the Board meeting to consider the request from the BAAPCD Employees Association regarding the disagreement over hours of employment. He pointed out that the Board had considered this matter previously in Executive Session; that the Association feels strongly that it should have an opportunity to make a presentation; that he had previously discussed this with the Chairperson and it was their feeling the Personnel Committee should hear the matter. He stated that in further discussion by the Personnel Committee, it was felt it should receive direction from the Board before hearing the matter.

After discussion, Mr. Santana moved to refer the matter to the Personnel Committee; seconded by Dr. Bacciocco; carried.

Mr. McCorquodale stated the Personnel Committee would meet on April 6, 1977 at 9:00 A.M.

DISTRICT ORIENTATION PROGRAM

a. BAAPCD Employee Association - Mrs. Bell

Mrs. Bell presented a written report on the Association. She stated that they were currently involved in the on-going Meet and Confer Sessions; a hearing before the Personnel Committee on change of hours; a grievance hearing before the APCO regarding termination of employees; and in the process of establishing evening meetings in the field to which Board members would be invited to attend.

b. Technical Services Division - Mr. Levaggi

Mr. Levaggi reviewed the organizational chart of the Division. He reviewed the functions of each section as follows:

- Library - 22,000 indexed articles are on microfilm.
8 - 10 institutions have purchased the library.
- Air Monitoring Section.
- Meteorology and Data Analysis Section - determines agricultural burning days; forecasts air pollution for Alert days; reports based on air monitoring data.
- Laboratory - analyze samples submitted from various groups. 1500 separate analyses done each month; review methods of analyzing.
- Research and Planning.
- Source test.

In reviewing the functions of the Source Test section, he stated there were three units: Special, Classical, Instrumental; that this section was involved in the Odor Regulation, Phase II Vapor Recovery Program; In-Stack Monitoring Program.

He reviewed the organizational chart and functions of the Research and Planning Section, pointing out that their functions included planning, meteorology, engineering, and statistical; that it reviews preliminary reports for EIR's; responsibility for the LIRAC model and other models.

In discussion, on inquiry from Mrs. Steinberg, Mr. Levaggi advised that the District was on the mailing list of County Planning Departments and Federal Agencies to receive EIR's; that most every major environmental review is sent to the District and was done so on a voluntary basis because there was no legal requirement for the District to receive them; that the District has participated at the hearings on various projects; that the District has published a guideline on how to do a good air quality analysis; that the District would review the potential emissions as the result of a rezoning.

Mr. Kenny inquired if there were a fire-fighting training school in the District, to which Mr. Brinkley replied that some training is conducted on Treasure Island but that there is an afterburner on the source so that emissions are controlled. Mr. Callaghan was requested to determine if there was a fire-fighting training school in the District and to advise Mr. Kenny.

Mr. Levaggi reviewed the organizational chart of the Air Monitoring section and its function. He furnished a report on the Air Monitoring network.

In discussion, Dr. Cullen referred to the Alert which was called last year, Mr. Levaggi stating that the District's main responsibility is to advise the public; that about 200 phone calls are made when an Alert is called; that generally the public is not responsive to an Alert. On inquiry from Ms. Tirsell as to whether schools responded to Alerts, Mr. Levaggi advised that the District called them and that the District and the State have furnished guidelines for people with respiratory problems. Mrs. Koehler pointed out that local governments are not doing anything during Alerts and that non-essential travel from these areas could be limited.

On inquiry from Mr. Santana, Mr. Levaggi stated the Oakland Monitoring Station has been in effect 8-10 years, having been the responsibility of the ARB; that the District has taken over the Station during the last month; he outlined how a station is selected.

Mr. Levaggi reviewed the Air Monitoring network, stating that three Analytical Instrument Specialists are in charge of the Stations.

c. Public Information and Education - Mr. McHugh

Mr. McHugh distributed documents prepared by the PI&E Division, including a Teachers' Kit, Air Currents, and a news summary entitled "Last Week".

Mr. McHugh outlined the activities of the Division, pointing out that he testified before legislative groups and that the Division has been involved in the regulations revision. He suggested that the District's film be shown at the next orientation session in April and Chairperson Nelder so ordered.

Paul Brand
Information Officer

Reviewed the outside activities conducted by the Division, advising that this included presentations at schools, liaison with conservation groups, industry and commercial groups, service clubs. He showed slides of the scope and type of areas covered in making the presentation.

Messrs. McCorquodale and Tamaras left at 11:40 A.M.

Recess 12:05 P.M.

Reconvened 12:40 P.M.

The following Directors were present:

CHAPMAN, CULLEN, DOETSCH, KENNY, KOEHLER, NELDER, OLIVER,
SANTANA, STEINBERG, TIRSELL.

d. Administration Division - Mr. Monaghan

Mr. Monaghan reviewed his Division stating that its functions included fiscal accounting, business services, vehicle and building services, data processing, and personnel, and reviewed the functions of each section. He reviewed the budget process and the District's sources of revenue, stating it included County apportionments, EPA grants, variance fees, penalties, interests, Fund Balance available. He advised that quarterly status of accounts are provided to each section; that the Treasurer of the District is San Mateo County. He reviewed the processing of per diem and expense accounts and the District Administration Building Corporation which maintains and operates the building; stating that the four bonders were All State Insurance, Bank of America, Industrial Indemnity Insurance Company, St. Paul Fire and Marine Insurance Company; that the three members of the Board of

Directors were Nels Ecklund, Alan K. Browne, Sam Della Maggiore that the Bank of America was trustee; that the bond indebtedness outstanding as of March 1, 1977 was \$1,342,000.

In discussion, Mr. Oliver inquired how the Board of Directors was selected, to which Mr. Callaghan responded that this was done by the previous Board; that Mr. Della Maggiore had replaced Mr. Dempsey on selection of the Chairperson. Mr. Kenny inquired as to the disposition of the assets of the building if the District were dissolved, to which Mr. Powell responded that legislation would so determine.

e. Secretary to the Board of Directors - Ms. Harder

Ms. Harder outlined the responsibilities of her Division, stating this included the preparation and distribution of the minutes of all meetings of the Board and Advisory Council; agenda preparation for all Council meetings; compilation and library of reports presented at all meetings; the preparation of reports for the Board, Advisory Council and Hearing Board; the preparation of the budgets for the three Boards. She advised that a computerized legislative history file was in the process of being established. She reviewed her responsibilities with respect to the Hearing Board, pointing out that she was responsible for the records thereof.

TOUR OF DISTRICT FACILITIES

The Directors toured the District facilities.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, April 6, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 1:05 P.M.

Respectfully submitted,

Mabel Harder
Secretary

MH:cr

A1581

BAY AREA AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

8 1977

BOARD OF DIRECTORS

UNIVERSITY OF CALIFORNIA

REGULAR MEETING

Wednesday
April 6, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr., Sam Chapman,
Fred F. Cooper, Stuart C. Cullen,
Ralph P. Doetsch, Sr., James P. Kenny,
Ruth Koehler, James Lemos, Daniel A.
McCorquodale, Alfred J. Nelder,
Richard Oliver, Gerald M. Poznanovich,
Charles Santana, Geraldine Steinberg,
Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT:

Elwon Lance, Marguerite Leipzig.

ADVISORY COUNCIL MEMBERS
PRESENT:

Ruth Church Gupta, Chairperson;
Robert J. Debs, Jack C. Oppenheimer.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Warren R. Crouse,
Milton Feldstein, Donald A.
Monaghan, Edward W. McHugh,
John F. Powell, Mabel Harder.

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Chairperson Nelder called the meeting to order at 10:20 A.M.

APPROVAL OF MINUTES OF MARCH 16 AND MARCH 23, 1977

Ms. Harder requested a correction in the Minutes of March 16, page 9 paragraph 5, line 1, to read, "---\$1316C.13", and line 2 to read, "-----2500 gallons---".

Mr. Oliver moved that the Minutes of March 16 be approved as corrected and that Minutes of March 23, 1977 be approved as received; seconded by Mrs. Koehler; carried.

REPORT OF PERSONNEL COMMITTEE
DANIEL A. MCCORQUODALE, CHAIRPERSON

Mr. McCorquodale reported that the Committee met on March 23 and considered the request to increase the per diem of Hearing Board members from \$100 to \$150 per meeting day, pointing out that the per diem has not been increased since 1971 and that the members were required to spend all day in the office on a hearing day. He stated it was the Committee's recommendation that the per diem of the Hearing Board members be increased to \$150 per meeting day, effective July 1, 1977, and he so moved; seconded by Mrs. Koehler.

In discussion, on inquiry from Dr. Bacciocco, Mr. McCorquodale stated that a survey of the other Air Pollution Control Districts in the State had been made and that it was clear that this Hearing Board was being compensated less than others; that the persons serving on the Hearing Board are experts in their field.

The motion carried on roll call.

AYES:	BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LEMOS, MCCORQUODALE, NELDER, OLIVER, POZNANOVICH SANTANA, STEINBERG, TAMARAS, TIRSELL.
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NOES:	NONE.
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ABSENT:	LANCE, LEIPZIG.
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Mr. McCorquodale stated the Committee met prior to the Board meeting and considered limiting the terms of membership of Advisory Council and Hearing Board members; that on a split vote, the Committee approved the concept of limiting said terms; that if the Board approves the concept, the Personnel Committee will make recommendation on the length of time. Mr. McCorquodale moved that the Board approved the concept of limiting the terms of the Hearing Board and Advisory Council members; seconded by Ms. Tirsell.

In discussion, Mr. McCorquodale advised that Advisory Council members served for a 2 year term, and Hearing Board members serve for a 3 year term; that although the Committee did not conclude any specific term, 8 years was used in the discussion.

Mr. Cooper expressed opposition to the proposal; that if a person is not doing a good job or not attending or displaying a bias which is improper they can be replaced when their terms expires; that there are always special cases when limiting a term is not valid; that if the Board did approve the concept, then representatives from the Advisory Council and Hearing Board should be invited to be present for discussion.

Ms. Tirsell in speaking in favor of the concept, stated it was a matter of philosophy; that appointed members who are not subject to an electorate should have a term limitation; that limiting the terms is refreshing to an agency.

Mr. Powell pointed out the distinction between the Advisory Council and the Hearing Board, stating the Council was an advisory board whereas the Hearing Board was a quasi-judicial board who can make decisions only on the record before it; that the members of the Advisory Board can be removed at any time but that there is not statutory provision for the removal of the Hearing Board members.

Mrs. Koehler spoke in opposition to the motion stating that the Board had the flexibility to replace members on the Advisory Council and Hearing Board upon term expirations.

The motion failed on roll call.

AYES:	BACCIOCCO, CHAPMAN, CULLEN, McCORQUODALE, OLIVER, SANTANA, STEINBERG, TIRSELL.
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NOES:	COOPER, DOETSCH, KENNY, KOEHLER, LEMONS, NELDER, POZNANOVICH, TAMARAS.
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ABSENT:	LANCE, LEIPZIG..
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Mr. McCorquodale reported that the Committee discussed the BAAPCD Employees Associations Request for Compensation for two Clerk Typists who work different working hours; that the Committee recommends that the Association's request be denied, and he so moved; seconded by Mr. Poznanovich; carried on roll call.

AYES:	BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LEMOS, McCORQUODALE, NELDER, OLIVER, POZNANOVICH, SANTANA, STEINBERG, TAMARAS, TIRSELL.
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NOES:	NONE.
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ABSENT:	LANCE, LEIPZIG.
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Mr. McCorquodale reported that the Personnel Committee received a report on the matter of the District withdrawing from Social Security, advising that the Board will receive a report at its June 1 meeting.

REPORT OF BOARD LIAISON TO ADVISORY COUNCIL
STUART C. CULLEN

Dr. Cullen advised that he had attended 4 meetings of the Advisory Council; that the liaison role is to contribute to questions on Board policy; that he felt from the meetings which he had attended that the Council members carry on an objective discussion of the issues. He suggested that the liaison individual also sit in on the Staff discussion

Mr. Poznanovich spoke in opposition stating he did not feel Board members should get involved in any possible decision making before the matter is reviewed by the Advisory Council; that the APCO does discuss areas of conflict with the Chairperson so that the Chairperson is aware of what is happening. Dr. Cullen pointed out that on several occasions the Council's and Staff's recommendations have been different and that the Board should have information as to why the Staff is making its recommendations to which Mrs. Koehler responded that this information should be in the Staff's report. Mr. Cooper also spoke in opposition to the suggestion.

OTHER

Mrs. Gupta, Chairperson, Advisory Council, Ad Hoc Committee on Off-Set Policy read the Recommendations of the Ad Hoc Committee dated April 6, 1977 with respect to AB-471 (Calvo) in which the Committee urged that the Board discuss the bill with Assemblyperson Calvo because it was a limited approach and there needs to be a great deal more study on it.

Mrs. Steinberg advised that in discussion of the matter with Assemblyperson Calvo he indicated a willingness to meet with members of the Board on the bill and she urged that the Board so do. She also suggested that since the bill was complicated and many aspects were involved; that the District's Legislative Advocate and Advisory Council members could meet with Assemblyperson Calvo, to which Mr. Cooper responded that he felt the Executive Committee needed to discuss the matter before such a decision was made; that it was necessary for the District to present a coordinated view which had been developed through the Executive Committee.

Mrs. Koehler stated she felt meeting with Assemblyperson Calvo was premature since the District had not done an indepth study and that it should develop a program before negotiating with the author.

After further discussion, Mr. Chapman moved that the Advisory Council Chairperson, or other appropriate representative if she is not available, the District's Legislative representative and Staff meet with Assemblyperson Calvo and discuss the matter according to the direction from the Executive Committee along the line suggested; namely, that the District air its concerns without taking a position and that the District understand his position, and report to the Board at a later date; seconded by Dr. Bacciocco.

Mr. Cooper moved a substitute motion that the matter be referred to the Executive Committee; seconded by Mrs. Koehler, failed on roll call.

AYES: COOPER, DOETSCH, KOEHLER, LEMOS,
SANTANA, TAMARAS.

NOES: BACCIOCCO, CHAPMAN, CULLEN, KENNY,
McCORQUODALE, NELDER, OLIVER,
POZNANOVICH, STEINBERG, TIRSELL.

ABSENT: LANCE, LEIPZIG.

Mr. Chapman's motion carried on roll call.

AYES: BACCIOCCO, CHAPMAN, CULLEN, DOETSCH,
KENNY, KOEHLER, LEMOS, McCORQUODALE,
NELDER, OLIVER, POZNANOVICH, SANTANA,
STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSTAINING. COOPER.

ABSENT: LANCE, LEIPZIG.

Ms. Tirsell and Mr. Poznanovich left at 11:15 A.M.

REPORT ON CLEAN AIR ACT AMENDMENTS
EDWARD W. McHUGH

Mr. McHugh reported on his attendance at the APCA conference in Washington, D. C. and presented a report, Major Changes in Clean Air Act Before Congress (S.252 and H.R. 4151), which he reviewed. He stated that some version of the Off-Set Policy is going to be incorporated in the Clean Air Act so that any objections to the Calvo bill will be moot; that 27 states have inadequate air pollution monitoring networks and are unsure whether or not they are in compliance with the Clean Air Standards; that Congress will make a change in the final compliance date for automobile standards and he reviewed the chart attached to the report, Auto Emission Standard, in Grams Per Mile, Actual and proposed, pointing out that the proposed final attainment date is 1982 instead of 1977, with provisions for extensions to 1987.

On inquiry from Mr. Cooper, Mr. McHugh advised that EPA is studying the technical concerns expressed by others with respect to the oxidant standard and that a report will be issued in 6 months.

AMENDING ADMINISTRATIVE CODE RE BUDGET AND FINANCE COMMITTEE
DUTIES

Dr. Cullen moved the adoption of Resolution No. 1012, In the Matter of Amending the Administrative Code; seconded by Mr. Chapman; carried on roll call.

AYES: BACCIOCCO, CHAPMAN, CULLEN, DOETSCH,
KENNY, KOEHLER, LEMOS, McCORQUODALE,
NELDER, OLIVER, SANTANA, STEINBERG,
TAMARAS.

NOES:

NONE.

ABSENT:

COOPER, LANCE, LEIPZIG, POZNANOVICH,
TIRSELL

STAFF REPORT ON KAISER CEMENT & GYPSUM

Mr. Brinkley reviewed the APCO's Report, Referral Regarding Kaiser-Permanente Cement Plant, dated March 31, 1977.

REPORT OF THE AIR POLLUTION CONTROL OFFICER
D. J. Callaghan

a. Legislative Report

Mr. Callaghan briefly reviewed the Status Report on Legislation, 1977-78 Legislative Session, dated March 30, 1977, specifically:

AB-236(Vasconcellos, et al) - Prohibiting after March 1, 1978 the manufacture and sale of containers using chlorofluorocarbon.

Mr. Powell reviewed AB-724(Sieroty et al) - Increasing fines imposed for a violation.

Chairperson Nelder welcomed Mrs. Marjorie Evans, a member of the ARB.

Mrs. Koehler moved that the Board support Concurrent Resolution No. 20 (Calvo)(Requesting ARB to appoint a citizens advisory council to assist the Board); seconded by Mr. Kenny; carried.

Mr. Callaghan reviewed SB-183 (Nejedly and Rodda) OP&R to designate a lead agency when a permit relating to land use is sought from more than one agency.

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Mr. Callaghan advised that EPA will hold public hearings on Phase II of the Vapor Recovery Program on April 14 in San Francisco; that the Staff will make a presentation to them in connection with standardization of fillpipes and to advise them with respect to the effects of the program.

On inquiry from Mrs. Koehler as to a report on the problem of building new service stations in the District, Mr. Callaghan stated that the Staff will report on April 20.

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Mr. Callaghan advised that the Public Utilities Commission is holding another hearing on the transfer of natural gas from northern to southern California, on April 11, 1977 on the basis that because of lack of water there will be a power problem and that Southern California will have to produce the power and send it to Northern California to take care of its requirements. He stated that the Staff's position will be the same as that at the prior PUC hearing.

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Mr. Callaghan advised that complete information on the APCA meeting in Toronto will be sent to the Directors.

b. Division Monthly Reports

The following monthly reports were presented:

Director of Enforcement Monthly Activity Report for March 1977;
Violation Notice Log, March 1977; Director of Technical Services
Monthly Activity Report, February 17 thru March 23, 1977;
Director of Engineering Services Monthly Activity Report,
February 21, 1977 to March 18, 1977; Director of Public Information
Monthly Activity Report - February 23 - March 24, 1977;
Status of Legal Matters - February 18, 1977 - March 25, 1977;
Controller's Appropriation Statement and Cash Position,
February 28, 1977.

Mrs. Steinberg referred to the Enforcement Division Monthly Activity Report, stating that it was not possible to determine the disposition of the 143 violation notices issued in February; that she felt the reporting system should be revised to give this information to the Board and requested that the Division's report for April advise the disposition of the 159 violation notices issued in March.

Mr. Callaghan stated this would be done; that the Staff is working on the reporting system, attempting to make it more meaningful.

Mrs. Koehler referred to the Violation Notice Log, pointing out that some of the Violation Notices listed were 8 months old, which delay she felt was excessive. Mr. Brinkley responded that many of them were ground level monitoring violations which needed evaluation by the Technical Division before the Enforcement Division could determine that they were valid violations.

COMMUNICATIONS

DANIEL A. MCCORQUODALE, SECRETARY

The following communications were presented:

Dr. Kenneth Hayes, Chairman
Environmental Health Committee
Santa Clara County Medical Society
copy of letter to Dr. James B. D. Mark, President, Santa Clara County Medical Society, advising that he no longer serves on the Advisory Council, but that Dr. John Nicholson continues to serve thereon.

John F. Powell
District Counsel
copy of letter to Delbert L. Spurlock, Jr., Chief, Conflicts of Interest Division, FPPC, regarding the District's Conflict of Interest Code and the Advisory Council's inclusion thereunder.

Harmon Wong-Woo, Chief
Stationary Source Control Division
ARB
submitting revised list of Abrasives Certified for
Dry Unconfined Blasting.

EMTF
agenda for March 30, 1977

Tustin Ellison
Pleasanton
regarding the poor design and performance of gasoline nozzle
suction system, and requesting immediate action to eliminate
the hazardous waste. (District response attached)

D. R. Von Raesfeld
City Manager
The City of Santa Clara
copy of letter to Revan A. F. Tranter, ABAG, regarding SB-424 (Nejedly)
Bay Area Solid Waste Planning

Paul De Falco, Jr.
Regional Administrator
EPA
submitting press release and biographical information on newly
appointed Administrator, Douglas Costle and Deputy Administrator,
Barbara Blum.

OTHER

Mr. Chapman reported that he attended the ARB Workshop on the Air
Conservation Program; that it is moving ahead with designations in
Class A Areas without significant opposition, after which they will
discuss the rest of the program.

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Mr. Kenny moved the adoption of Resolution No. 1013, In the Matter
of Increasing Purchase Order No. 16489 to \$15,000; seconded by Mr.
Doetsch; carried on roll call.

AYES:	BACCIOCCO, CHAPMAN, CULLEN, DOETSCH, KENNY, KOEHLER, LEMOS, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS,
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NOES:	NONE
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ABSENT:	COOPER, LANCE, LEIPZIG, POZNANOVICH, TIRSELL.
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The following reports were presented: Summary of Actions Taken,
Board of Directors, March 16, 1977; Summary of Actions Taken,
Board of Directors, March 23, 1977; Pending Referrals from Board
of Directors dated March 26, 1977; Board Referrals to Advisory Council
dated March 22, 1977.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, April 20, 1977. 939 Ellis Street,
San Francisco, California.

The meeting adjourned at 12:05 P.M.

Respectfully submitted,

Mabel Harder
Secretary

A1581

2

BAY AREA AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

UNIVERSITY OF CALIFORNIA
LIBRARY

BOARD OF DIRECTORS

REGULAR MEETING

UNIVERSITY OF CALIFORNIA

Wednesday
April 20, 1977
10:00 a.m.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P. Doetsch, Sr.,
James P. Kenny, Ruth Koehler, Elwon
Lance, James Lemos, Daniel A.
McCorquodale, Alfred J. Nelder,
Richard Oliver, Geraldine Steinberg,
Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT:

Marguerite Leipzig, Gerald M.
Poznanovich, Charles Santana
Edward J. Bacciocco Jr.

ADVISORY COUNCIL MEMBERS
PRESENT:

Ruth Church Gupta, Chairperson;
Robert J. Debs.

HEARING BOARD MEMBER
PRESENT:

Kenneth A. Manaster, Vice Chairperson

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Warren R. Crouse,
Milton Feldstein, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Mabel Harder.

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Chairperson Nelder called the meeting to order at 10:20 A.M.

APPROVAL OF MINUTES OF APRIL 6, 1977

On motion of Mr. Chapman, seconded by Mrs. Koehler; carried.

REPORT OF EXECUTIVE COMMITTEE
ALFRED J. NELDER, CHAIRPERSON

Chairperson Nelder reported that the Executive Committee met on April 6 and received a report from the District's Legislative Advocate, Mr. Jerry Desmond who advised the Committee that Assemblyperson Calvo was open to specific improvements to AB-471 and that as the result of that discussion he had requested that Directors Chapman and Cullen, Mrs. Gupta, the Staff and Mr. Desmond meet with him.

He also reported that the Committee received a report on the District withdrawing from Social Security. He advised that the Personnel Committee would meet at 9:00 A.M. on April 27 and the Executive Committee would meet at 10:00 A.M. on that day and that there would be no Regular Board Meeting on April 27 but that any member of the Board who wished to attend the Executive Committee meeting was welcome.

REPORT OF BUDGET & FINANCE COMMITTEE
MARGUERITE LEIPZIG, CHAIRPERSON

In the absence of Chairperson Leipzig, Vice Chairperson Steinberg advised that the Committee met prior to the Board meeting and recommended the adoption of Resolution No. 1014, In the Matter of Authorizing the Chairman of the Board of Directors to Execute a Lease With Howard Properties, Inc., in an Amount Exceeding \$4000, and she so moved; seconded by Mr. Kenny; carried on roll call:

AYES: CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY,
KOEHLER, LANCE, LEMOS, MCCORQUODALE, NELDER,
OLIVER, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: BACCIOCCO, LEIPZIG, POZNANOVICH, SANTANA.

She also reported that the Committee received a presentation from Mr. Allen Arnold, Wyatt Company, on the possibility of the District withdrawing from Social Security.

PRESENTATION BY DR. NADEL CONCERNING AMERICAN PETROLEUM
INSTITUTE'S PETITION TO EPA

Dr. Cullen advised that because of his concern after reading the API's petition, with respect to the basis used for establishing the standards, he contacted the Cardiovascular Research Institute and was advised that Dr. Jay Nadel was a member of the Committee of the National Academy of Sciences who was to review the data thereon.

Dr. Jay Nadel

In his presentation stated he was not going to address the API petition because it would be inappropriate at this time because he had

not studied it in great detail and therefore was not qualified to comment thereon. He described the work of his Committee of the NAS stating they were to evaluate the present status of the research and the programs specifically in the area of fossil fuel, to determine what actually has to be done and what the problems are; that the Committee was comprised of people from industry, the public sector and university; that the problem was to get the various agencies to effectively interact and get the work done. He advised that one of the effects of sulfur oxide is irritation of the air passages and that it was necessary to find out how people who are unusually sensitive react, but that to date this has not been done although many agencies are funding research thereon. He stated that research is also going on with respect to sulfur oxide's irritation of nerve endings in the air waves and he referred to experimentation on dogs with respect thereto, stating that no research has been done on humans, which he feels should be done. He stated one of the Committee's proposal is to require the agencies to coordinate the work they are doing so that the answers which are needed are forthcoming.

In discussion, Mr. Cooper pointed out that API felt the research done in 1970 was inadequate, to which Dr. Nadel responded that information on sulfur oxides and ozone has been updated and is available; that with respect to their assessment of measuring equipment, the issues of changing technology will be reviewed by the Committee; that reports on background hydrocarbons was available. Mr. Cooper suggested that the Staff check with Dr. Nadel for this background information.

On inquiry from Mrs. Koehler, Dr. Nadel stated the Committee's responsibility was to identify what it considers the important areas of pollution research, which was important to the setting of standards; that the quality and quantity of the answers will determine such standards.

Mr. Cooper requested the Staff to determine what the National Academy of Sciences is doing with the respect to the 3-4 points raised in the API's petition to EPA, and Chairperson Nelder so ordered.

Dr. Frank Farley
Shell Oil Company

In comments advised that the 1974 report of the NAS has been followed by a 1976 report which has just been made available and which does not agree with the 1974 report; that he would furnish a copy of said report when received.

Dr. John R. Goldsmith
State Department of Public Health

In comments advised that there was a state wide-mechanism for setting standards; that the California Medical Association and California Health Department had a jointly appointed committee which is concerned with the joint effects of sulfur oxides and oxidant; that API's petition is largely related to scant evidence in communities outside California; that this evidence as well information from the NAS, EPA and local data will be reviewed by the Committee.

In discussion, on inquiry from Mr. Cooper, Dr. Goldsmith stated that the present standard is justified by data, which conclusion was reached by the Air Quality Advisory Committee; that the citations and criteria could be furnished. Mr. Cooper pointed out that API's petition and the Inter-Agency Task Force reports indicate the current hydrocarbon standard could not be met because of the hydrocarbons in the air naturally, to which Dr. Goldsmith responded that the API's petition makes its greatest point about ozone which is the primary health concern; that hydrocarbons do not directly affect health, but only as the result of photochemical reaction.

On inquiry from Mrs. Koehler as to why California standards should be more stringent than the Federal, Dr. Goldsmith responded that because there are more automobiles used in the areas of air stagnation; that the Federal Standards were set after the standards had been set by the ARB and he found no reason to change the California standards; that with respect to SO₂, the State standard is based on evidence of its effect on pulmonary function; that the State 24-hour standard is lower than the Federal standard because of the ARB's desire for a substantial margin of safety. Dr. Goldsmith stated that with respect to particulate matter, the ARB has requested the Air Quality Advisory Committee to reconsider such standard, but the Committee and its predecessor have taken the position that health effects are difficult to determine because of the particle size distribution. On inquiry from Mr. Callaghan, Dr. Goldsmith stated that the Committee's recommendation is that the present standard would be consistent with what is known about health effects, and a margin of safety.

On inquiry from Mr. Cooper, Dr. Goldsmith stated there was growing evidence that exposure of relatively high levels of photochemical oxidant increased the level at which people are vulnerable; that other parts of the country do not have its population exposed to the elevated levels of photochemical oxidant as in California and it is for that reason that the Committee feels it should maintain an independent judgment; that a scrutiny of the particulate standard in the past has not been given because the particle size distribution question has not been addressed.

REPORT OF THE ENVIRONMENTAL TASK FORCE
San Chapman, Vice Chairperson

Mr. Chapman reported that there have been two meetings since his last report; that there was discussion on the Air Quality Maintenance Planning Process, as well as the goals of the AQMP; that the goal adopted by EMTF is to attain State and Federal standards as expeditiously as practical.

Mr. Chapman stated the New Source Review Study is progressing, and Chairperson Nelder requested Ms. Harder to furnish the Board a copy of the New Source Review Rule Study Work Program.

Mr. Chapman advised that there was discussion of the impact the New Source Review Rule would have on minority groups and it was agreed to address this concern in further discussions.

REPORT OF THE ADVISORY COUNCIL
RUTH CHURCH GUPTA, CHAIRPERSON

Mrs. Gupta read her Report of Advisory Council dated April 20, 1977.

Mr. Tamaras left at 11:15 A.M.

REPORT OF THE HEARING BOARD
KENNETH A. MANASTER, CHAIRPERSON

Mr. Manaster briefly reviewed the Hearing Board Quarterly Report as of April 1, 1977 dated April 1, 1977. He pointed out the Hearing Board has various options open to it with respect to its Abatement Orders, briefly reviewing the case, APCO v. Crown Tire Company which resulted in a Consent Order being entered into wherein Crown Tire decided to terminate its operation at its Sunnyvale location. He also reviewed the Conditional Abatement Order issued to Exxon USA on March 3, 1977 in which the Hearing Board concluded that Exxon had not been diligent in its efforts to abate the emissions and that the effect of the Order was to allow Exxon to make extensive improvements in its sulfur recovery equipment. He briefly reviewed the variance applications of PG&E for in-stack monitors and Peninsula Lithograph Co.

Mr. Manaster advised that the Hearing Board had formalized in its Rules the election of officers and that Dr. Kruger had been elected to serve as Chairperson and he as Vice Chairperson.

In discussion, on inquiry from Ms. Tirsell, Mr. Manaster advised that the Hearing Board had the authority to impose a bonding condition in its Orders, that the Health and Safety Code had been amended in 1972 to so provide; that he would advise her as to the cases in which the Hearing Board had imposed such a condition.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO REGULATION 5 -
AIR POLLUTION EPISODE PLAN

Mr. Powell furnished to the Secretary nine Affidavits of Publication of Notice of Public Hearing.

Mr. Bell briefly reviewed the APCO's Report, Public Hearing to Amend Regulation 5 - Air Pollution Episode Plan, dated April 12, 1977.

Chairperson Nelder open the Public Hearing at 11:25 A.M.

The following made presentations:

Fran Du Melle
Air Conservation Council of Northern California

In comments stated they were concerned with the corrective control measures or abatement procedures initiated under the Plan; that criteria levels should be established for respirable size particulates, sulfur dioxide in combination with respirable size particulates and nitrogen dioxide; that the Parks and Recreational Districts should be included in the notification system when an Advisory/Alert is called as well as day care centers; that Section 5.22(f) should be defined, as well as

the wording, "such additional information as the Air Pollution Control Officer may require" in §5.3; that the types of enforcement procedures which may be used to obtain compliance should be known; that criteria as to the effectiveness of the plans should be incorporated into the Air Pollution Episode Plan and be subject to public comment. She advised that May 1 - 7 is Clean Air Week in the Bay Area.

Mr. Cooper left at 11:28 A.M.

In discussion of the District's criteria for an effective plan, Mr. Callaghan stated that if a plan provides for reducing emissions into the atmosphere which will have a definite effect on the Alert, the Staff feels it meets the criteria; that each 100T/Y source plan has to be reviewed on an individual basis. Ms. Du Melle stated the criteria should be set forth in the Plan; that the California Lung Association and ARB was working on the criteria for determining an effective plan.

In discussion of the increase of respirable size particles, Mr. Feldstein stated the Staff was not in a position at this time to develop such criteria but that the State Health Department was considering studying a standard for respirable size particles and that the District would be working with them; that when there is data as to what the standard should be, this could be considered by the Board.

Mr. Brinkley reported on the abatement plan and procedures used by the District, stating that guide-lines contain specific abatement strategies to be followed; that each Inspector has a copy of the specific plan for the sources in his area; that if the proposals submitted do not meet the minimum guide-lines they are returned to the source.

Mr. McHugh advised that Ms. Veronica Weeks
San Juan Bautista Child Development Center and
Child Coordinating Council of Santa Clara County
had been at the meeting earlier but had to leave; that her concern was that the pre-school and day care centers in Santa Clara County be notified when an Air Pollution Episode is called; that the Staff will so do, as well as determining if this problem exists in other Counties. On inquiry from Mr. Chapman, Mr. McHugh stated that the Staff will make sure the Park and Recreation Districts are also notified through the County Communication System.

Robert K. Wrede
McCutchen, Black, Verleger & Shea
Western Oil & Gas Association

In comments expressed concern that the Board was ready to adopt the Air Pollution Episode Plan solely on the basis of the ARB's requirement; that a review of the information available indicates there was only one contaminant for which there has been a level reached which would qualify under the proposed Plan; that a responsibility on private industry as well as the public sector was going to be imposed for circumstances which are highly unlikely to occur. He expressed concern as to the legal authority of the ARB to impose such requirement, stating that throughout the State a pattern has been developing that if,

Districts do not adopt the ARB standards, subvention funds will be withheld or the ARB will adopt the rules for the District, and he reviewed Health & State Code §41503. He pointed out that the Health & Safety Code places primary control on non-vehicular contaminants with the local Districts and he reviewed H&S §41501. He pointed out that members of the ARB are not elected officials and that they were not given authority to force Districts to adopt an Emergency Episode Plan.

Mr. Wrede stated that BALIA supports a plan which is reasonably designed to protect the health and welfare of the citizens; that there is already a plan with respect to oxidant; that ARB seeks to impose a plan for four other contaminants and that said plan contains certain drastic steps, which he reviewed. He stated he did not feel the plans were necessary in the Bay Area and that the threat by the ARB that the Board had a legal obligation to adopt them was contrary to law.

In discussion, Mrs. Koehler pointed out the the Episode Plan was a small portion of the overall State Implementation Plan. Mr. Wrede responded that there was no requirement in the Clean Air Act nor in the California Health & Safety Code that the ARB generate Emergency Episode Plans; that this was the responsibility of the local Districts.

Mrs. Koehler moved that the public hearing be closed at 11:52 A.M.: seconded by Mr. Doetsch; carried.

In further discussion, Mr. Powell referred to Health & Safety Code §39602 in which the ARB is designated as having the primary responsibility for preparation of the State Implementation Plan required by the Clean Air Act.

After further discussion, Mr. Chapman moved the adoption of Resolution No. 1015, In The Matter of Amending Regulation 5 Relating to the Air Pollution Episode Plan; seconded by Mr. McCorquodale.

In discussion, on inquiry from Ms. Tirsell as to desirability of adopting a regulation by reference, Mr. Powell responded the incorporation by reference was helpful and referred to the referenced sections, pointing out that the reference was not left open to the inclusion of any changes that the ARB might make.

The motion carried on roll call:

AYES:	CHAPMAN, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEMOS, MCCORQUODALE, NELDER, OLIVER, STEINBERG, TIRSELL.
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NOES:	NONE.
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ABSENT:	BACCIOCCO, COOPER, LEIPZING, POZNANOVICH, SANTANA, TAMARAS.
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Mr. Chapman moved that the Board refer the matter of respirable size particles and particulate matter to the Advisory Council and its public Health Committee to monitor the State Program; that the District communicate to the ARB that it would be open to and happy if they would do the technical work necessary to develop standards so the District could consider adopting such standards; seconded by Mrs. Koehler; carried.

The Board recessed for lunch at 12 noon, and reconvened at 1:25 P.M. The following directors were present:

Chapman, Cullen, Doetsch, Kenny, Koehler, Lemos,
Nelder, Oliver, Tirsell.

Chairperson Nelder reported that the Board met at luncheon with Messrs. Paul DeFalco, Administrator, and Frank Covington, Chief of Air and Hazardous Wastes, EPA; that Mr. Covington offered to meet with the Executive Committee to discuss the goals and objectives of EPA for the coming year and that this would be agendized at the Executive Committee's next meeting.

REPORT ON VAPOR RECOVERY PROGRAM

Mr. Callaghan briefly reviewed his report, Update Report on Vapor Recovery, dated April 12, 1977 and the Statement of the Bay Area Air Pollution Control District before EPA on April 14, 1977. Mr. Callaghan advised that ARB in its presentation to EPA stated it favored a Secondary Recovery System, as did some industries; that the Balanced System is less costly to install and the down time is minimal.

In discussion, Mrs. Koehler stated she felt the fact that new service stations could not be built in the Bay Area was critical and suggested an interim regulation be adopted for so allowing; that the Board needed to take some initiative to solve the problem; that the ARB and the Legislature should be urged to do something.

Mr. Powell reviewed the Law with respect to the ARB's certification authority pointing out that the Statute precludes the installation of a system until it has been certified by the ARB; that the District could not adopt a interim regulation.

Mr. Feldstein pointed out that the District has received only 10-12 applications for new stations since July 1976; that most applications have been for revisions to existing stations.

Mr. Callaghan pointed out this problem was brought to the attention of Assemblyperson Calvo who indicated he would introduce an Assembly Concurring Resolution asking the matter be reviewed.

Mr. Oliver left at 2:20 P.M.

LEGISLATIVE REPORT

Mr. Callaghan advised that Directors Chapman and Cullen, Mrs. Gupta, Mr. Powell and himself met with Assemblyperson Calvo last week at which Assemblyperson Calvo submitted a list of proposed amendments to AB-471,

which he furnished to the Directors, which they reviewed. Mr. Powell pointed out that the requirement of 'showing a net improvement in the air quality might be difficult to comply with and suggested that this phrase be deleted and substituted therefore, "that there also be reasonable progress towards attaining the ambient air quality standards". There was discussion on the fact that the proposed amendments only raised more questions; that the State of the art of dispersion modeling was such that much litigation would result. Mrs. Koehler suggested that the Board concentrate on the New Source Review Regulation to give better direction for the future. Dr. Cullen pointed out that if the Bill passed it would allow different standards in various Districts. Mr. Kenny stated that if California is more restrictive than other States there will be no industrial growth; that industry will go to the Southern parts of the United States; that most industries feel there should be a Federal law so that the standards are equal. Mr. Callaghan stated the Bill would be heard on April 28 and that he would determine what amendments are made.

Mr. Callaghan called attention to his report, Status Report on Legislation 1977-1978 Legislative Session dated April 20, 1977, and reviewed the following:

SB-183 (Nejedly and Rhodda) - Office of Planning and Research would designate a lead agency, when a permit relating to land use is sought from more than one agency.

Mr. Callaghan stated he felt this was unfavorable legislation to the District; that it passed out of the Committee on Governmental Organization yesterday; that the Board should take a position disapproving this legislation until amendments are entered correcting the areas of concern.

Mr. Kenny pointed out that because of the unemployment in his County pressure by various labor organizations have been put on various State legislators; that some of gains the District has made may have to be exchanged for some economic gains.

SB-938 (Russel) - Requires ARB and Air Pollution Control Districts to conduct and publicize an evaluation of the economic impact of any rule or regulation on issuing any order.

Legislation by McAllister would require the District to consider the economic and social impacts of issuing every permit.

OTHER

Mr. Doetsch complimented Mr. Paul Brand on his presentation before the League of Women Voters, Monte Serano on April 13, 1977.

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Mr. Callaghan advised that he had transferred funds in amount of \$38 from account number 250 to Meteorology and Data Analysis for office equipment; \$1000 to account 250 for overtime for the Secretary to the Board's office; \$65 from account 250 for office equipment for Legal department.

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Mrs. Koehler requested that the Evaluation of the Operation of the Board be agendized for the May workshop and Chairperson Nelder so ordered.

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The following reports were presented:

Summary of Actions taken-Board of Directors, April 6, 1977;
Pending Referrals from Board of Directors dated April 8, 1977.

COMMUNICATIONS

DANIEL A. MCCORQUODALE, SECRETARY

The following communications were presented.

W. Urie Walsh
Walsh and Cullen
San Francisco
requesting the Personnel Committee to hear the Grievance of
Victor F. Stupansky.

Agenda, EMTF
for meeting of April 13, 1977

W. Urie Walsh
Walsh and Cullen
San Francisco
requesting that Victor F. Stupansky be reinstated immediately,
and confirmation that it will not be necessary to conduct a
hearing on April 27, 1977.

Assistant Clerk
Alameda County Board of Supervisors
notice of meetings with respect to Livermore-Amador Valley General
Plan Amendment.

Gilbert H. Boreman
Clerk of the Board
City and County of San Francisco
submitting copy of Resolution No. 211-77 urging that a Task Force
be formed to take action against illegal dumping and accumulation
of garbage on vacant lots in San Francisco, and requesting that a
representative of the Board be included in said Task Force, a
meeting of which has been called by Supervisor Nelder for April 25,
1977.

EXECUTIVE SESSION WITH DESIGNATED REPRESENTATIVES, PURSUANT
TO GOVERNMENT CODE SECTION 54957.6 TO REVIEW BOARD'S POSITION
AND INSTRUCT ITS DESIGNATED REPRESENTATIVES RELATIVE TO
CONSULTATIONS AND DISCUSSIONS WITH REPRESENTATIVES OF EMPLOYEE
ASSOCIATION

The Board went into Executive Session at 2:20 P.M.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, May 4, 1977, 939 Ellis Street, San Francisco, Calif.

The meeting adjourned at 3:10 P.M.

Respectfully submitted,

Mabel Harder
Secretary

MH:se

BAY AREA AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

BOARD OF DIRECTORS

6 1977

REGULAR MEETING

UNIVERSITY OF CALIFORNIA

Wednesday
May 4, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr., Sam Chapman,
Fred F. Cooper, Stuart C. Cullen,
James P. Kenny, Ruth Koehler,
Elwon Lance, James Lemos, Daniel A.
McCorquodale, Geraldine Steinberg,
Peter Tamaras.

BOARD MEMBERS ABSENT:

Ralph P. Doetsch, Sr., Marguerite
Leipzig, Alfred J. Nelder, Richard
Oliver, Gerald M. Poznanovich,
Charles Santana, Helen Tirsell.

ADVISORY COUNCIL MEMBERS
PRESENT:

James M. Bodie, M.D, Robert J. Debs.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Thomas H. Crawford,
Warren R. Crouse, Milton Feldstein,
Howard James, Dario Levaggi,
Donald A. Monaghan, Edward W. McHugh,
John F. Powell, Mabel Harder.

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In the absence of Chairperson Nelder, Vice Chairperson Chapman called the meeting to order at 10:15 A.M.

APPROVAL OF MINUTES OF APRIL 20, 1977

Dr. Cullen requested a correction on page 3, paragraph 1, line 9, to read "----irritation of the airways -----".

Mr. Lemos moved the Minutes be approved as corrected; seconded by Mr. Kenny; carried.

REPORT OF THE EXECUTIVE COMMITTEE
Alfred J. Nelder, Chairperson

In the absence of Chairperson Nelder, Vice Chairperson Chapman reviewed the Report of Executive Committee dated May 4, 1977 in which the Committee recommends that a questionnaire be sent to all District employees.

After discussion, Dr. Bacciocco moved that the Board approve the Committee's recommendation; seconded by Dr. Lance; carried.

After discussion of the Committee's meeting with representatives of EPA, Mrs. Koehler moved that the Staff prepare a letter to EPA over the Chairperson's signature addressing the District's concern regarding mandatory programs on the District by EPA, and recommending changes for improvement; seconded by Mrs. Steinberg; carried.

REPORT - PERSONNEL COMMITTEE
Daniel A. McCorquodale, Chairperson

Mr. McCorquodale reported that the Committee met on April 27 to hear a grievance hearing brought by the BAAPCD Employee Association and Victor Stupansky; that the Committee found Mr. Stupansky guilty of misconduct but that the penalty was not appropriate; consequently, the Committee reinstated him to employment, but he was given a two day's suspension; that Mr. Powell was requested to prepare the findings for the Committee.

Dr. Lance expressed concern that there had been an over-ruling of the authority of the APCO; that although Mr. Stupansky had been found guilty, the action by the APCO had not been sustained.

Mr. McCorquodale referred to the letter on the matter from Mr. Powell dated April 8, 1977. Dr. Lance requested Mr. Powell provide him a copy of this letter, and inquired if the matter would now be addressed by the Board, to which Mr. Powell responded that the last step in the Grievance Procedure is review by the Personnel Committee. Dr. Lance stated he felt the Board should give final approval in this matter; that it placed too much power in the hands of the Committee.

REPORT - BUDGET & FINANCE COMMITTEE
Marguerite Leipzig, Chairperson

In the absence of Mrs. Leipzig, Vice Chairperson Steinberg reported the Committee met prior to the Board meeting and received a report from Mr. Allen Arnold, The Wyatt Company, on the matter of the

District withdrawing from Social Security; and that it is the Committee's recommendation that it be relayed to the employees that it is the intent of the Board to allocate the same amount of money now being used for Social Security to any other system, and she so moved; seconded by Mr. Kenny; carried.

REPORT OF THE ADVISORY COUNCIL LIAISON
STUART C. CULLEN

Dr. Cullen reported that he has continued to attend meetings of the Council and its Subcommittee; that he was impressed with the thoroughness, dedication and detailed approach applied to problems; that outside agencies and individuals are given opportunity for input and participation; that representatives of ARB have been in attendance at the meetings; that recommendations to the Board are the result of hours of intense and high quality work.

PRESENTATION BY DR. GERSCHEN SCHAEFER, PRESIDENT OF CALIFORNIA
THORACIC SOCIETY IN CONNECTION WITH CLEAN AIR WEEK

Fran Du Melle
Air Conservation Council of Northern California

Introduced Dr. Schaefer.

Dr. Schaefer in his presentation gave an overview of health effects, pointing out that the establishment of the Clean Air Act recognizes the fact that there are substances in the air which are harmful to human beings; that after many years of research it is finally being realized that the standards have not been set high enough because the combination of pollutants working together are additively more harmful; that sulfates may be more harmful than SO₂; that recent studies have indicated chromosome breakage in animals and that such breakage in genes is going on in human beings in areas where there are high air pollution levels; that there are increased number of deaths from air pollution.

In discussion, Mr. Cooper inquired if the sulfates found in the desert are man made or natural; Dr. Schaefer responded that there are very few areas of natural formation of sulfates in the desert areas; that sulfates appear in the air flow patterns which come from such areas as Orange and Los Angeles Counties. In discussion of the research being conducted with respect to chromosomes breakdown, Dr. Schaefer stated that such research was being done in areas of high air pollution as well as those with relatively little pollution; that he did not know the significance of the research findings; that the research was with respect to photochemical oxidant, but that it might be expanded to other pollutants.

PUBLIC HEARING ON AMENDMENTS TO REGULATION 1, WILDLIFE
MANAGEMENT BURNING PERIODS

Mr. Callaghan reviewed his report, Public Hearing on Amendments to Regulation 1, dated April 15, 1977, requesting that §3121 be amended to change the burn periods beginning February 1 and ending March 31;

and beginning October 1 and ending October 31.

Vice Chairperson Chapman opened the Public Hearing at 11:00 A.M.

Mr. Powell furnished the secretary nine Affidavits of Publication of Notice of Public Hearing.

Vice Chairperson Chapman inquired if anyone wished to speak on the matter. There were none.

The following communication was received in support of the amendment:

Charles R. Roberts
Executive Director
San Francisco Bay Conservation and
Development Commission

Mr. McCorquodale moved the public hearing be closed at 11:01 A.M.; seconded by Dr. Lance; carried.

Mr. Tamaras moved the adoption of Resolution No. 1016, In the Matter of Amending Regulation 1 Relating to Wildlife Management; seconded by Mrs. Koehler; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, KENNY, KOEHLER
LANCE, LEMOS, MCCORQUODALE, STEINBERG, TAMARAS.

NOES: NONE.

ABSENT: CULLEN, DOETSCH, LEIPZIG, NELDER, OLIVER,
POZNANOVICH, SANTANA, TIRSELL.

PUBLIC HEARING ON AMENDMENTS TO REGULATION 2, PERMIT FEES

Mr. Callaghan briefly reviewed his report, Public Hearing on Permit Fees, dated April 28, 1977, pointing out the differences between the Staff's proposal "Source", and that of the Advisory Council. By means of slides, Mr. Feldstein elaborated on the definition of "Source" and the differences. He reviewed the various sections of the proposed amendment, and under §1317.2- Definition of Source, by means of slides he explained how this will be applied to a lithograph press process and a Phthalic anhydride plant.

Mr. Cooper pointed out that most of the public was concerned with the timing of the regulation, to which Mr. Powell responded that in November the Board adopted July 1, 1977 as the timetable; that the matter before the Board today was as to the fee schedule, which was the basis for the Notice of Hearing; that although the Board could make changes in the proposed fee schedule as submitted, he did not feel that to conform to the notice requirements that the Board could make additional changes in the Permit Regulation such as extending the date for compliance. Mr. Callaghan pointed out that the date of July 1 was set in conformance with the requirement of the ARB, and that if the District had not adopted this date it would have lost \$200,000 in grant funds. Mr. Feldstein pointed out that originally ARB had requested that the District bring all existing sources into the permit system by July 1, 1977 but that

after discussion with the Staff it was agreed that only those sources emitting 500 T-Y would be brought in by that date, and the other sources over a three year period; that the District did not need to issue a permit by July 1 and that industry has been given two months to provide the information required. Mr. Cooper pointed out that the forms have just been sent to industry and questioned whether this would give them sufficient time, which concern Dr. Lance also expressed. Mr. Feldstein responded that the majority of sources to be registered are storage tanks and therefore he did not feel the time period would present a problem; that the forms have been made as simple as possible. Dr. Lance inquired if industry could submit revised information to which Mr. Callaghan responded in the affirmative.

On inquiry from Mrs. Steinberg, Mr. Feldstein stated that whichever definition of "source" is used it would not affect the actual calculation of the fee.

Mr. Kenny referred to a communication he had received from Union Oil Company, dated April 27, 1977 in which they pointed out they had not yet received the forms; that he felt it would be difficult for industry to get the forms back by the July 1 deadline.

In discussion of the differences between the Staff and Advisory Council's definition of, "source", Mr. Powell advised that the Advisory Council's definition would require fewer pieces of equipment to have a permit.

Dr. Lance suggested that industry be given an extension to supply the emission data, to which Mr. Feldstein responded that ARB imposed another condition that all EIS Data shall be submitted by July 1, 1977, or the District would lose \$50,000 in grant funds.

Mrs. Steinberg called attention to the letter from the Bay Area League of Industrial Ass'ns, Inc., dated April 27, 1977 and inquired if it would be possible for them to submit the applications by July 1 as requested instead of June 1, to which Mr. Feldstein responded in the affirmative. Mrs. Koehler inquired what effect this would have on the Emission Inventory Requirement of ARB, to which Mr. Feldstein responded that ARB has indicated a delay of a month would not be serious.

James M. Bodie, M.D.
Advisory Council

in comments advised that when the definition of "source" was adopted by the Council on April 13, it was under the impression that the Staff was in agreement with the language; that the first the Council knew of any disagreement was on May 2 when it received a communication from the Staff; that in discussion with Dr. Lynn, Chairperson of the Technical Committee it was agreed that problems could arise under the Council's definition, but that it was felt this would be also true of the Staff's proposed definition; that the Staff proposal had deleted the requirement of a permit for air pollution control equipment.

After further discussion, the Board agreed that the matter should be continued until May 18, 1977 and that it be referred back to the Staff and Advisory Council for a report at that time.

The following communications were presented in connection with the public hearing:

Bay Area League of Industrial Ass'ns, Inc., dated April 27, 1977.

Varian, dated April 28, 1977

SET A PUBLIC HEARING TO AMEND REGULATION 3, SECTION 1219 -
ORGANIC SOLVENTS CONTENT OF SURFACE COATINGS

SET A PUBLIC HEARING TO AMEND REGULATION 2, REGARDING NOZZLE
EXPIRATION DATE ON UNLEADED GASOLINE PUMPS AND MAINTENANCE
OF VAPOR RECOVERY SYSTEM

1. SET A PUBLIC HEARING TO AMEND REGULATION 2 TO PROVIDE
ACCESS AND INFORMATION FROM SOURCES UNDER REGULATION.

Mr. McCorquodale moved that a public hearing be set on the above three items for June 15, 1977; seconded by Dr. Lance; carried.

Since some members of the public wished to speak with respect to the public hearing on amending Regulation 2 - Permit Fees - Vice Chairperson Chapman, opened the public hearing at 11:55 A.M.

Mr. Powell furnished the Secretary nine Affidavits of Publication of Notice of Public Hearing.

Dr. Bacciocco left at 11:56 A.M.

Mr. Copper left at 12:00 noon.

Raymond Buttacavoli, Chairperson
Air Resources Committee
Bay Area League of Industrial Ass'ns, Inc.

in comments advised that the date for permit requirements was creating unreasonable hardship on industry because of Staff limitations and also because of concern with respect to third party law suits.

In discussion, Mrs. Steinberg pointed out that industry will be allowed to submit amendments to their applications; Mr. Feldstein responded that third party law suits should not be of concern if permits are applied for by July 1, after which Mr. Buttacavoli withdrew his concern.

On inquiry from Mrs. Koehler, Mr. Crouse stated that 4000 - 6000 sources might be represented in the applicable 32 companies; that if the data is received by June 1, the Staff will have completed its evaluation by late July or August.

Glenn Affleck
Environmental Control Coordinator
Hewlett Packard

presented a written statement dated May 3, 1977, which he read.

In response to Mr. Affleck's concern's, Mr. Feldstein stated that the definition of "significant" has to be worked out; that some emissions from Hewlett Packard are significant; that the only revenue which the District can take in on permit fees is the amount to cover the cost of the operation; that the maximum fees that will be charged by 1980 is \$500,000; that the final sources to be brought into the system by 1980 are those sources emitting 1/2 ton or more, which would include service stations whose only source are tanks.

Bernard Yurash
Fairchild Semiconductor

agreed with the presentation by Mr. Affleck, stating that the regulation would only amount to a lot of paper work and would not result in environmental improvement; that OSHA inspectors have been entering factories unannounced in order to establish a precedence and that much time is spent in trivia, and he expressed concern that this could happen with respect to District inspectors.

In discussion, on inquiry from Mrs. Steinberg as to the District's policy with respect to access to a source, Mr. Callaghan responded that the Staff feels that it has the right to go into a plant to investigate the area which is in violation or potentially in violation, and called attention to his report, Proposed Amendment to Regulation 2 concerning Right of Access to Premises and Information Request for setting a public Hearing, dated April 27, 1977, in which he was requested the Board to adopt a policy with respect to access.

Charles Kinney
Associated Building Industries

expressed concern that the sources emitting 1/2 T/Y are required to have a permit pointing out that the emissions amount to 3 - 4#/D; that previously the District had only been concerned with sources emitting 15#/D, which it considered "significant", that a burden was being placed on small businesses.

In discussion, Mr. Feldstein pointed out that the permit regulation could not be correlated with §1309.

Fred Bertetta
California Independent Marketers Association

expressed concern about the sources which will need a permit by 1980, pointing out that the proposed fee would amount to approximately \$60 per service station; that the fee should be based on the station as being one source rather than on the number of tanks.

In response, Mr. Feldstein pointed out that it was the Advisory Council's recommendation that the fee should be divided equally between big and small operations and that as a result the formula presented was established by the Council; that by 1980 \$200,000 will be generated from small operations and if a change is made, the cost will have to be shifted.

Recess 12:30 P.M.

Reconvene 1:00 P.M.

The following Directors were present:

CHAPMAN, CULLEN, KENNY, KOEHLER, LANCE, LEMOS, STEINBERG.

REPORT BY STAFF REGARDING HONORING CHAIRPERSONS OF THE
BOARD OF DIRECTORS AND ADVISORY COUNCIL

Mr. Callaghan briefly reviewed his report, Honoring past Chairpersons of the Board of Directors and the Advisory Council, dated April 26, 1977.

Mr. McHugh showed a sample of the plaque into which the picture would be inserted.

There was discussion on the cost of the proposal, Mr. Lemos suggesting that in lieu of photographs, a bronze plaque showing the name of the individual and the year he served as Chairperson be displayed on the walls.

After further discussion, Vice Chairperson Chapman requested the Staff to investigate the use of a bronze plaque, suggesting that the pictures be put in a scrap book.

REPORT OF THE AIR POLLUTION CONTROL OFFICER
D. J. Callaghan

1. Legislation

Mr. Callaghan called attention to the report, Status Report on Legislation - 1977 - 1978 Legislative Session, dated May 2, 1977 and briefly reviewed the following:

AB-471 (Calvo) - Bill has been amended.

AB-1671 (McAllister) - Economic and social effects to be taken into consideration prior to taking any discretionary action on air pollution control.

Mr. Powell stated this legislation may be inconsistent with Federal Law.

SB-183 (Nejedly and Rhodda) - Office of Planning and Research should designate a lead agency with respect to permits.

SB-351 (Holmdahl) - Social and economic consequences to be taken into consideration.

SB-796 (Dunlap) - Intent and negligence eliminated.

SB-938 (Russel) - Economic impact evaluation to be publicized.

SB-217 (Nejedly) - ARB Executive Officer - Delegation of Power.

Mrs. Koehler requested the Staff to determine if ARB has made an annual report to the Governor, and provide her with a copy.

Mr. Kenny suggested the Board request the Governor to make the fifth appointment to the ARB Board. Vice Chairperson Chapman referred this

suggestion to the Executive Committee.

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Mrs. Steinberg referred to the letter from the Staff to industry with respect to the completion of the forms required by the Permit Regulation dated April 28, 1977, stating she felt the reference to the June 1 and July 1 dates therein were confusing. Mr. Feldstein pointed out that this letter also went to the sources emitting 25 T/Y or greater for source inventory data, which the July 1 date referred to.

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2. Division Monthly Reports

Director of Enforcement Monthly Activity Report for April 1977;
Director of Technical Services Monthly Activity Report, March 24 to April 20, 1977;
Director of Engineering Services Monthly Activity Report, March 18, 1977 to April 20, 1977;
Director of Public Information Monthly Activity Report, March 25, 1977 - April 22, 1977;
Status of Legal Matters - March 26, 1977 - April 21, 1977
Controller's Appropriation Statement and Cash position, March 31, 1977.

There was discussion on the information contained in Air Currents; that much of the information is not relevant by the time it is received by the public and that the Staff should be guided accordingly when preparing the publication.

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Mrs. Steinberg expressed concern, that the Board could not determine the disposition of a citation and that the Staff should consider ways in which the Board could be provided with this information, to which Mr. Feldstein stated he would discuss this matter with her later.

Mrs. Koehler inquired as to the delay in issuing violation notices to Fibreboard Corporation, to which Mr. Brinkley responded that this resulted because of the delay in getting information needed to evaluate the notice.

BOARD REPORTS Mabel Harder, Secretary

The following reports were presented:

Summary of Actions Taken by the Board of Directors, April 20, 1977;
Pending Referrals from Board of Directors dated April 24, 1977;
Board Referrals to Advisory Council, dated April 25, 1977.

COMMUNICATIONS Daniel A. McCorquodale, Secretary

The following communications were received:

Contra Costa County
Board of Supervisors

Resolution regarding emissions from Fibreboard Corporation plant in Antioch being the subject of a hearing before the Hearing Board and wishing the BAAPCD to be aware of the serious implications for the County which would result from closure of the Plant, and requesting that it make its determinations taking into account the County's concerns.

Velma Million
Executive Director
Council for a Balanced Community
San Jose

advising of Resources Conservation Awareness Week May 16-20, 1977, and requesting the District to respond to a questionnaire enclosed.

Kenneth Cory
State Controller
information on reimbursement for temporary disability

Lenard E. Grote, President
ABAG
requesting the BAAPCD to participate in the meetings of the Industrial Siting pilot project of ABAG in conjunction with the State Office of Planning and Research.

MTC
Agenda of Regional Seaport Policy Committee of May 6, 1977.

Raymond D. Buttacavoli, Chairman
Air Resources Committee
Bay Area League of Industrial Ass'ns, Inc.
commenting on proposed amendments to Division 13, Regulation 2, Permits, and requesting changes in §1317.3

Charles R. Roberts
Executive Director
San Francisco Bay Conservation and Development Commission
recommending the adoption of the proposed amendments to Regulation 1, Wildlife Management Burning Periods.

P. M. Churchfield
Director of Facilities
Varian
Palo Alto
commenting on the proposed changes to Regulation 2, Permit fees,

recommending there not be an annual renewal for a permit; that existing sources or emission points not be required to have permits; that the fee schedule be related to the quantity of pollutants emitted; that permits should apply to "emission points" rather than "sources"; that exemptions should be given more permanency to aid in planning.

William Dreskin
San Anselmo

concerning difficulty he had in filling his 1971 V.W. automobile, resulting in spillage and offering several suggestions with respect to the vapor recovery program.

ABAG

Agenda of Industrial Siting Task Force meeting of May 6, 1977.

Anonymous District Employee
commenting on the Personnel Committee's decision on the Victor Stupansky grievance.

OTHER

Mr. Kenny inquired as to the reason for the delay in sending to industry the forms in connection with the Permit Regulation, to which Mr. Felstein responded that the forms used in the permit processing had to be revised which took time; that there were delays at the printers; that the forms were hand delivered by the inspectors.

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Mrs. Koehler stated that the League of California Cities was meeting on May 18 and requested the Staff to determine if there will be a quorum of the Board present on that meeting day.

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, May 18, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 1:35 P.M.

Respectfully submitted,

Mabel Harder, Secretary

BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

7 1977

BOARD OF DIRECTORS

UNIVERSITY OF CALIFORNIA

REGULAR MEETING

Wednesday
May 18, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Sam Chapman, Stuart C. Cullen,
Ralph P. Doetsch, Sr., James P. Kenny,
Ruth Koehler, James Lemos, Daniel A.
McCorquodale, Alfred J. Nelder,
Richard Oliver, Charles Santana,
Geraldine Steinberg, Peter Tamaras.

BOARD MEMBERS ABSENT:

Fred F. Cooper, Elwon Lance,
Marguerite Leipzig, Gerald M.
Poznanovich, Helen Tirsell.

ADVISORY COUNCIL MEMBERS
PRESENT:

Robert Debs, Marshall Kent,
Scott Lynn.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Thomas H. Crawford,
Warren R. Crouse, Richard W. Grieves,
Peter Hess, Michael Macomber,
Donald A. Monaghan, Edward W. McHugh,
John F. Powell, Mabel Harder

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Chairperson Nelder called the meeting to order at 10:10 A.M.

APPROVAL OF MINUTES OF MAY 4, 1977

Ms. Harder requested a correction on page 5, paragraph 9, line 1, to read, "----the Board agreed that the public hearing should be-----".

Mr. Kenny moved the Minutes be approved as corrected; seconded by Mr. Chapman; carried.

REPORT OF THE ENVIRONMENTAL MANAGEMENT TASK FORCE
Sam Chapman

Mr. Chapman reported that at the last meeting of EMTF discussion centered on run-off and the problem of lead in water. He called attention to Mr. Eugene Leong, AQMP Program Manager, EMTF, Report on Natural Background Levels of Photochemical Oxidants, dated April 28, 1977. After discussion as to the conclusion of the Report, Mr. Callaghan was requested to analyze the information and report to the Board.

REPORT OF THE ADVISORY COUNCIL
Ruth Church Gupta, Chairperson

In the absence of Mrs. Gupta, Vice Chairperson Kent reviewed the Report of Advisory, dated May 18, 1977 to which was attached the Council's Report on In-Stack Monitoring, §3210.5, Regulation 2, in which the Council recommended that the Board request the Staff and Advisory Council in consultation with the ARB and EPA to reconsider said Section, particularly the instrumentation for the measurement of air-to-fuel ratio. Also attached to the Report was the Council's recommendation with respect to the establishment of an Upper Limit for SO₂ Concentration, in which it recommended that the District maintain the limit of 6000 ppm for another six months and that the study of the matter be continued by the Staff and the Technical Committee.

Mr. Kent referred to the Council's recommendation with respect to the definition of, "Source", pointing out that the Council was not able to resolve the differences with the Staff on said definition because of the time constraints, but that it really was a matter of difference in the philosophical approach; that the Council would be willing to reconsider the matter if the Board felt time was not a problem.

Mr. Santana arrived at 10:15 A.M.

Mrs. Koehler arrived at 10:21 A.M.

On inquiry from Mr. Chapman, Mr. Callaghan stated the Staff had no objections to the Board requesting the Council to further review the matter of an Upper Limit for SO₂ concentration. He pointed out that a correction should be made in paragraph 2 of said report, line 2, to read, "---2500 ppm ---". Mr. Callaghan stated that he had no objections to the Council's further reviewing the matter of In-Stack Monitoring, but pointed out that all of O₂ and CO₂ monitors required by the Board have been installed.

Dr. Cullen moved that the Board accept the recommendation of the Advisory Council with respect to In-Stack monitoring and refer back to them, particularly the matter of instrumentation for the measurement of air-to-fuel ratio for further investigation; seconded by Dr. Bacciocco; carried.

Dr. Cullen moved that the Board accept the recommendation of the Advisory Council and refer the matter of an Upper Limit for SO₂ concentrations back to them; seconded by Mrs. Steinberg; carried.²

LEGISLATIVE REPORT

Mr. Callaghan reviewed the report, Status Report on Legislation 1977-78 Legislative Session, dated May 12, 1977, particularly with respect to the following:

SB-798 (Dunlap) - delete, "Intent and Negligence"

Mr. Powell reported on his attendance yesterday at a Senate hearing on the matter at which he urged that the Legislation be adopted because it would reduce the number of upsets, and would put the burden of proof on the Source which already exists for criminal cases. He advised that the Bill was supported by the County Supervisors Association of California, California Air Pollution Control Officers Association, the Sierra Club and a Committee of the State Bar. He advised that several industrial organizations opposed the Legislation, including the California Chamber of Commerce. He advised that the Bill did not pass and was now dead.

AB-884 (McCarthy) - each State agency to advise each applicant within 30 days of receipt the information required; Office of Planning and Research to consolidate hearings where a project requires approval by more than one public agency.

Mr. Callaghan recommended that the Board watch this legislation, stating that it was more acceptable to the District than SB-183 (Nejedly); that it had a reasonable chance of passing.

AB-1671 (McAlister, et al) - Economic and social effects to be taken into consideration prior to taking any discretionary action on air pollution control.

Mr. Chapman suggested the Board oppose this Bill, stating a new department would have to be established to do an economic analysis. Mr. Kenny stated he could not take action to oppose the Bill because in Contra Costa County jobs and trade-offs were important. Mr. Callaghan suggested that before action was taken the District should determine the cost involved in order to make such presentation to the Fiscal Committees.

After further discussion, the Staff was requested to prepare a financial analysis of the impact of the Bill and that this information be made available to the appropriate committees in the Legislature.

SB-938 (Russel) - Requires ARB and APCD's to conduct and publicize an evaluation of the economic impact of any rule.

Mr. Callaghan pointed out that this would place a tremendous financial burden on the District; that the District did not have the facilities nor money to do this, and that this should be brought to the attention of the author and the Legislature.

AB-2 (Kapiloff) - would establish a State Land and Resource Planning Act, and establish a Commission on land use and environment.

Mr. Callaghan advised that this legislation would delete the ARB, State Water Resources Control Board, State Energy Development Commission and others, and would establish four regional agencies. He suggested that the Board watch this legislation.

CONTINUATION OF PUBLIC HEARING ON AMENDMENTS TO REGULATION 2
PERMIT FEES

Mr. Callaghan reviewed his report, Chronological History of of the BAACPD Permit Fee Regulation, undated.

Mr. Callaghan advised that the Staff was not in agreement with the Council's recommendation to the Board, pointing out the basic difference was as to the extent a governmental agency should be allowed to investigate and/or control operations of private industry.

Mr. Powell reviewed the proposals of the Council and Staff as contained in the APCO Report, Public Hearing on Permit Fees, dated May 13, 1977, particularly §1301- Authority to Construct and §1317.92 - Definition of Source. He pointed out that under the Council's proposal in §1301, the relationship between the Permit to Operate and Authority to Construct would be changed and that the District would lose control over the equipment after it begins operating; that the proposal would diminish the amount of information the District would get; that under the definition of Source, the Council's recommendation did not include upstream equipment, which might have a major effect on emissions; that if their definition is adopted several sections of the regulation would have to be amended.

Mr. Powell pointed out that the Staff's proposal makes no change in §1301 and §1302; that Source as defined by the Staff would include upstream equipment and would be included in the Scope of the permit thus allowing the District to request information on those pieces of equipment.

Mr. Powell pointed out that the Council's proposal would require a permit on air pollution control equipment and a fee, but that the Staff's approach is that fees should be required only for equipment that causes emissions.

On inquiry from Mrs. Koehler, Mr. Powell stated the burden of proof would be on the District to determine that the equipment for new and modified sources will meet the regulation. Mr. Callaghan pointed out that the APCO can require industry to conduct a source test to provide basic information or that the District could conduct such a test. Mr. Brinkley pointed out that the determination of compliance depends on whether the unit was constructed in accordance with the Authority to Construct which is evaluated by the Staff to determine whether it would meet the regulations.

On inquiry from Mrs. Koehler, Mr. Powell stated that Staff's approach would make no change basically in what needs a permit; that the Council's approach would make one change with respect to the Authority to Construct so that there could be alterations or modifications made as long as emissions did not change; that their approach to definition of, "Source" is the last operation before the emission.

Peter Hess
Air Pollution Engineer

graphically showed the Board examples of the effect the Council's proposal and the Staff's would have on a sulfuric acid plant process and a lithographic press process.

During discussion of Mrs. Steinberg's concern that the difference apply not only to fees but as to inspection, Mr. Brinkley advised that any definition of Source which restricts the District's authority to get information to the last process in a change of processes would seriously impair the enforcement process; that the areas of concern were obtaining compliance data on sources emitting 500 T/Y, for submission to the EPA, pointing out that if the Staff is restricted to the last operation, the engineering evaluation can no longer be use as a method of determining compliance; that more source tests would have to be conducted which would cost more money.

In discussion of the difference in fees to be collected under both proposals, Mr. Callaghan advised that the Council's proposal would produce about \$185,000 next year and that the Staff's would produce approximately \$150,000-155,000.

Scott Lynn, Chairperson
Technical Committee
Advisory Council

in explaining the Council's proposals, stated the addition to §3101 was language which was developed in the course of discussion on the new recodified Regulation 3 and was added in agreement with Staff; that the Committee only became aware of the difference in philosophy in the last two weeks; that the Council's proposal is that any new project or any major modification which would increase the emissions from the source would require an Authority to Construct as it does now; that the Council did not see a need for a company to get an Authority to Construct if it wanted to replace an old piece of equipment with a new one which would not result in an increase in emissions; that the Council wanted to avoid excessive permitting; that the Council proposes that only the operation which precedes the point of emission should require a permit because the District's primary concern is the nature of material being emitting, and how much; that there had not been time to discuss with Staff the reasons why they needed all the information.

On inquiry from Mrs. Steinberg, Dr. Lynn stated there was need for the District to better define the nature of the information which it needed; that the Staff's proposal would give them authority to inquire for any information.

On inquiry from Mrs. Steinberg as to whether the permit process is the only vehicle the District has to acquire information, Mr. Callaghan advised that the District has authority to require information on upstream sources now, but if a source is put under permit then the District would be restricted.

In discussion as to whether the matter should be referred to the Council, Dr. Cullen pointed out that there was a basic difference in philosophy between the Council and the Staff on this issue and that even if it were referred back he was not sure that there would be an ultimate resolution and felt that it was necessary for the Board to make a determination now.

Mr. Callaghan pointed out that the Staff incorporated into its recommendation the Technical Committee's recommendation of May 6, but that on May 11 the Technical Committee changed its recommendation, to which Dr. Lynn responded that this resulted after industrial representatives pointed out to the Committee the problem areas they saw in the May 6 proposal.

On inquiry from Dr. Bacciocco, Dr. Lynn stated that what information was actually needed by Staff had not been discussed thoroughly with the Staff; that the matter of whether air pollution control equipment should have a permit or not had not been thoroughly discussed with the Staff; that the Council first knew of this difference recently when a Staff definition did not include such equipment; that the Council did not feel strongly on this point but included it in its concept that everything that is permitted should pay a fee in order to support the program; that if such equipment is not to be charged a fee, the regulations should specifically so state to avoid confusion.

The Board recessed at 12:10 P.M. and reconvened at 12:40 P.M.

The following Directors were present:

CHAPMAN, CULLEN, DOETSCH, KENNY, KOEHLER, LEMOS,
McCORMACK, NELDER, OLIVER, SANTANA, STEINBERG.

The following members of the public made a presentation:

Mrs. Jean Siri
West Contra Costa Conservation League

spoke in favor of any amendment which leads to better enforcement of air pollution emissions.

Larry Coleman
Chevron U.S.A.

suggested the Advisory Council be given benefit of legal counsel if the matter is referred back to them, stating the Staff has taken an adversary position against the Council.

He quoted from comments made by both Council members and Staff at the May 11 Committee and Council meetings. He disputed statements made by the Staff in its explanation of the two proposals, pointing out that under the Staff's proposal anything involving routine maintenance would require a permit and would give additional authority to the District which it never had before; that the statement that the Council's definition would

seriously impede the enforcement of the regulation was incorrect because the only evaluation needed is whether or not a source complies; that the Staff wording, "effectively determine or substantially affects" was ambiguous language and could be interpreted differently by different people. He outlined examples of what would be affected by the Staff's proposal, stating the Staff's proposal would be unworkable and impossible to work with; that it could well preempt the legislature and he referred to §41510 of the Health & Safety Code - Right of Entry - and read therefrom. He questioned the Staff's need to go upstream in order to control emissions, and the legality thereof. He read §2031, Regulation 2 - Definition of Source, pointing out this has been in effect for quite sometime and questioned why it was no longer effective. He urged the Board to adopt the Council's recommendation.

Mr. Powell in responding objected to the reference to his relationship to the Council, pointing out that he has been asked by both the Technical Committee and Council on a number of occasions for advice and that he had been free to give it. He advised that during the May 11 meeting he pointed out to the Council that its proposal would have ramifications throughout the entire regulation such as §§1311 and 1311.2, which sections were currently involved in the litigation between the District and Standard Oil.

On inquiry from Mrs. Steinberg, Mr. Powell stated that Source used in H&S Code §41510 was a very broad term and not the same as that defined by the Council; that because of difficulties relating to Right of Entry, the Staff was requesting the Board to clarify this.

Dr. Lynn read H&S §42303 and inquired why with this authority the District needed a broader definition than that proposed by the Council, to which Mr. Powell responded that this section applied to contaminants discharged by a source for which a permit has been issued and that industry has already advised that if a source is not covered by a permit it will not furnish information to the District.

Charles Kinney
Associated Building Industry of Northern California

referred to his letter of May 13, 1977 and the data set forth therein with respect to automotive emissions and requesting that the limitation under §1317.3d be changed from 0.5 T/Y to 10 T/Y, pointing to the illustrations in his letter as to how burdensome the proposed regulation would be.

Forrest Bottomsley
Union Oil Company

agreed with Mr. Coleman's remark and requested the Board to extend the time for submitting the permit data, pointing out the forms were very complicated and that in a letter just received industry was advised that the APCO was not granting extensions beyond July 1. He referred to question 9, stating that even on those items exempted, the APCO is requesting information with respect thereto. He suggested the Staff or Board request the ARB for an extension of time and that if the ARB was not so willing, that the District get along without the subvention funds for a few months and that the due date of July 1, 1977 be postponed until further notice.

On inquiry from Mr. Nelder, Mr. Callaghan stated that he had discussed this

with the ARB and that they had reaffirmed the dates, i.e., 500 T/Y Sources to submit information by July 1 but that if the District is not able to issue a permit by that date, ARB understands this.

Mrs. Steinberg stated she felt industry was operating with too many unknowns and suggested that a Committee of the Board together with the Staff meet with ARB and clarify the situation.

Glenn Affleck
Hewlett-Packard

expressed concern about the change of the definition of "facility" to source; that air pollution control devices were now included in the definition; questioned why category D was in the proposal; that information should be given by industry when there is a violation instead of beforehand.

Mrs. Steinberg suggested that instead of requiring each company to give such a detailed amount of information the District could request such information at the time it believes there is a violation, to which Mr. Crouse responded that the District was not getting the information for only the permit fees but that it was needed for Compliance Determination System, Emissions Inventory Subsystem, ARB, EPA and District emission inventory date.

Gary Knapp
Chevron Chemical Company

expressed concern on the amount of **extraneous** information needed by the Staff and pointed out that emission inventory data requirements did not resolve the difference in philosophy between the Council's and Staff's proposals.

Mr. Doetsch moved that the public hearing be closed at 1:55 P.M.; seconded by Mrs. Koehler; carried.

Mr. Callaghan suggested the Board adopt the Staff's proposal, pointing out that the Advisory Council in its discussion of the recodification of the regulations would be reviewing the entire permit regulation; that within the next 3-5 months the recodified regulations will be given to the Board and that during this time a compromised solution could be reached but in the meantime the regulation would go into effect by July 1, 1977.

Mr. McCorquodale moved the Board adopt Mr. Callaghan's recommended action; seconded by Mr. Chapman.

Mrs. Koehler requested that the word, "require" in §1317.3 be changed to "applied for" pointing out this was the language adopted by the Board in November, and Mr. McCorquodale accepted this change as part of his motion.

The motion failed on roll call, this being a resolution:

AYES:	CHAPMAN, CULLEN, DOETSCH, KOEHLER, McCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG.
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NOES:	KENNY, LEMOS.
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ABSENT:	BACCIOCCO, COOPER, LANCE, LEIPZIG, POZNANOVICH, TAMARAS, TIRSELL.
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Mr. McCorquodale moved the matter be continued to May 25, 1977; seconded by Mrs. Koehler; carried.

Mr. Chapman suggested that ARB representatives be requested to be present on May 25, to discuss the flexibility of the July 1 requirement, and Chairperson Nelder so ordered.

Mr. Lemos stated he felt the amount of time given industry to respond to the questionnaire was unfair and suggested the Chairperson and Staff discuss a 60-90 day extension with ARB, after which Chairperson Nelder appointed a committee comprised of Directors Steinberg, Chairperson; Kenny, Lemos and Santana to meet with the ARB representatives and report back to the Board on May 25, Chairperson Nelder pointed out that if any other Director wished to attend such meeting he should be free to do so.

Mrs. Steinberg suggested that the Staff be directed to hold a workshop with industrial sources and answer any questions and report back to the Board on May 25. After discussion as to the shortness of time, Mr. Callaghan stated such a workshop will be held May 24, 1977 at 10:00 A.M.

REPORT ON DAMAGE CLAIM AGAINST THE DISTRICT BY MR. MITCHELL HARRIS

Mr. Powell advised that this was as the result of an automobile accident involving one of the inspectors, and recommended the Board reject the claim of Mr. Harris.

Mr. McCorquodale moved the Board deny such claim; seconded by Mr. Chapman; carried.

APPROVAL OF CONTRACT WITH ARB REGARDING BURN INFORMATION

Adopted Resolution No. 1017, In The Matter of Authorizing the Chairman of the Board of Directors to Execute an Agreement with the Air Resources Board for an Agricultural Burning Meteorological Forecasting System, on motion of Mr. McCorquodale; seconded by Mrs. Koehler; carried on roll call:

AYES	CHAPMAN, CULLEN, DOETSCH, KENNY, KOEHLER, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG,
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NOES:	NONE
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ABSENT:	BACCIOCCO, COOPER, LANCE, LEIPZING, LEMOS, POZNANOVICH, TAMARAS, TIRSELL,
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COMMUNICATIONS

Daniel A. McCorquodale, Secretary

The following communications were received:

Environmental Task Force
Agenda for May 11, 1977 meeting.

Kin Mah
Air Pollution Control Directorate
Abatement and Compliance Branch
Ottawa, Ontario
requesting copies of District's current regulations.

Francis V. Yanak
Director
San Francisco Region
U. S. Civil Service Commission
survey regarding Training Needs Survey.

Michael Mitchell
Auditor-Controller
County of Marin
enclosing last year's budget and requesting they be notified by
June 15, 1977 as to the amount required to be raised by Marin County.

Ms. Maxine King
Kentfield
requesting that the Board hold the line on the budget this year.

National Academy of Sciences
advising the cost for the publication, Ozone and other Photochemical
Oxidants.

ABAG
announcing meeting of Industrial Siting Task Force of May 20, 1977.

R. F. Miller
Chief Refinery Engineer
Union Oil Company of California
commenting on specific problems under the current Permit Regulation,
and suggesting that the proposed changes with respect to Permit to
Operate not be adopted, but that the present wording, "shall be applied
for", be retained.

Charles Kinney
Counselor
Associated Building Industry of Northern California
requesting that \$1317.3 of the proposed amendments to Regulation 2,
Division 13, Permits, be revised to include sources emitting in excess
of 10 T/Y instead of 0.5 T/Y.

Don Driggs
City Manager
City of Fremont
advising of public hearings on June 28, 1977 with respect to
redevelopment areas within the Irvington and Niles Districts.

Christine M. Bell, President
BAAPCD Employee Association
requesting to be on the May 25, 1977 agenda to make a presentation
with respect to the District's final proposals for the Memorandum
of Understanding FY-77-78 period.

Philip Marrow
Hayward
referring to the problems he has encountered on his 1969 V.W. with
respect to the smog device, and referring to an article in the Oakland
Tribune with respect to antismog devices as being ineffective.

OTHER

Mr. Callaghan advised of a communication from the Hearing Board requesting the return of a \$500 filing fee to U.S.A. Petroleum because an Application for a Variance was not filed.

Mr. McCorquodale moved the Board approve the return of said filing fee; seconded by Mrs. Koehler; carried.

- - -

The following reports of the Board were presented:

Summary of Actions Taken, Board of Directors May 4, 1977;
Pending Referrals from Board of Directors dated May 9, 1977.

- - -

There was discussion as to the agenda items for May 25, Mr. Callaghan advised that this would include a presentation of the 1977-78 Preliminary Budget; Evaluation of Operations of Board; Report by Staff on honoring Chairpersons of Board and Advisory Council, and a continuation of the matter with respect to the permit fees; that an Executive Committee meeting would be held at 9:15 A.M. on that day.

Chairperson Nelder pointed out that the BAAPCD Employees Association had requested to make a presentation on that day. There was discussion on the fact that because their presentation had to do with the negotiations on the Memorandum of Understanding that an Executive Session of the Board should be held prior to their presentation so that the Board could have an update on labor negotiations.

- - -

There was further discussion on the difficulty of the Directors meeting with the ARB prior to May 25 because of time constraints, after which it was concluded that it would be desirable if at all possible to meet with them prior to that date.

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, May 25, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 2:30 P.M.

Respectfully submitted,

Mabel Harder
Secretary

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JUN 13 1977

UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS

REGULAR MEETING

Wednesday
May 25, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Sam Chapman, Fred F. Cooper,
Ralph P. Doetsch, Sr., James P.
Kenny, Ruth Koehler, Elwon Lance,
James Lemos, Daniel A. McCorquodale,
Alfred J. Nelder, Richard Oliver,
Helen Tirsell.

BOARD MEMBERS ABSENT:

Stuart C. Cullen, Marguerite Leipzig,
Gerald M. Poznanovich, Charles Santana,
Geraldine Steinberg, Peter Tamaras.

ADVISORY COUNCIL MEMBERS
PRESENT:

Joseph D. Coons, Robert Debs,
Scott Lynn.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Warren R. Crouse,
Michael Macomber, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Mabel Harder.

- - -

Chairperson Nelder called the meeting to order at 10:02 A.M.

CONTINUATION OF DISCUSSION ON AMENDMENTS TO REGULATION 2 -
PERMIT FEES

Mr. Callaghan advised that Director Steinberg had contacted Mr. Lewis, ARB with respect to extending the time for bringing the 500 T/Y sources into the permit system for 60 days beyond July 1, 1977; that she verbally got concurrence for such an extension from Mr. Lewis but that the matter of time extension for providing information on the 25 T/Y or more sources was not made clear and that the Staff will be meeting next week with Messrs. Lewis and Wong Woo with respect thereto.

Mr. Callaghan advised that the Staff met yesterday with industry in which discussion was held on the basis for the reporting information.

Mr. Callaghan called attention to his report, Amendments to Regulation 2 Regarding Permit Fees, dated May 19, 1977, requesting that the Board adopt the Staff's proposal on Permit Fees and Permit to Operate, and at the same time refer the entire matter to the Advisory Council and Staff for consideration of modification at a later time. He pointed out that at the present time the Staff is not issuing permits to an existing source and therefore can get basic information from a company, but that if the Staff issues a permit to a single or group of sources, it cannot ask for any information upstream from that source because the Law precludes this. He pointed out that a change could be made upstream which would affect the emissions and also those being emitted into the atmosphere in an impacted area.

Mr. Powell in explaining the Staff's need for this information, advised that the Executive Officer of the ARB issued an order requiring the District to supply data on certain format by June 30, 1977 and to extend its permit system to cover 500 T/Y sources by that date. He pointed out that the statute several years ago allowed the APCO to request information but that when it was revised in 1975 it was changed to only allow him to request information from sources covered by permit; that some industries have already indicated that if the permit covers only the last stage in the process, pursuant to the statute the District could only get information about that last step.

In discussion, Mr. Cooper inquired if the statute defined, "source", to which Mr. Powell responded that the ARB equates, "source" with the entire plant or facility. Mr. Powell read from the H&S Code §42300, stating it was language similar to that used by the LAAPCD and District; that this definition did not limit it to the last operation; that the Advisory Council's proposal would change the existing requirement as to what needs an Authority to Construct, and what needs a Permit to Operate; that the existing Regulation covers anything that might affect air pollution emissions.

Mr. Cooper inquired why it was necessary to know what happens upstream if the source is not increasing its emissions 1#/Y, to which Mr. Powell responded that ARB requires such information; that in the past

whenever a change was made that might affect emissions, this was subject to Authority to Construct and Permit to Operate; that unless the Staff can go upstream to determine the cause of the violation this could affect seeking an abatement order.

Mr. Cooper inquired if ARB had issued an order statewide with respect thereto, to which Mr. Callaghan responded he assumed so because the request was tied to the Subvention Funds.

Mr. Lemos called attention to the report, Information from BALIA, dated May 19, 1977, specifically to the last two paragraphs thereof, in which they referred to H&S Code §41510. Mr. Powell responded that he did not agree with BALIA's comments on that section. Mr. Callaghan stated that the proposal of the Advisory Council would take away the power the District has; that industry has advised that once the District has issued a permit for a piece of equipment, it is not entitled to information upstream.

On inquiry from Mr. Cooper, Mr. Powell stated that the purpose for bringing existing facilities into the permit system is to enable the District to get information with respect to them and to provide ARB and EPA this information. Mr. Callaghan advised that ARB and EPA are requiring more information than presently being supplied. He pointed out that in the future it might be necessary to tighten emission requirements to allow for growth of new industry and that unless the District has all the information it will be difficult to establish the requirements.

Mrs. Koehler inquired if the Staff's recommendation would result in cleaner air by 1980, as compared to the Council's recommendation, to which Mr. Callaghan responded the Staff's definition would provide information to determine whether or not changes are being made upstream which affect emissions going into the atmosphere and that this could affect controlling emissions.

Scott Lynn
Secretary
Advisory Council

advised that the Council's definition of "source" was from the current definition of, "source operation"; that with respect to Authority to Construct, the same wording is being used except that modifications of equipment which do not result in an increase in emissions do not require said Authority; that the language was taken from the proposed recodified Regulation 3, which was agreed to by the Staff.

Dr. Lynn stated that with respect to the information that the APCO can require from industry, the Technical Committee did not have an opportunity to discuss with the Staff what information they needed over and above the emissions and nature of emissions. He read from H&S Code §42303 with respect to what the APCO can request, stating he did not know what additional information the District needed to operate its program.

Mr. Powell pointed out that said Section only allowsthe District to get information with respect to a source for which a permit was issued.

There was discussion on the time in which the Board needed to adopt the Regulation, Mr. Callaghan pointed out that he would like to have the Regulation adopted by the time the Budget is adopted because a fixed amount of money from the fee is included in the budget; he suggested the Board adopt the Staff's proposal and that the Advisory Council review it during the recodification review during which time the Staff and Advisory Council could discuss a possible solution.

Mr. Cooper left at 10:45 A.M.

Dr. Lynn pointed out that the Council attempted to define "source" as simply as possible; that the Council's opinion is that the Staff's definition is something of an overkill; that if the Board adopted the Council's definition, during the recodification review the Council could determine if the problem that the Staff's states will arise does in fact arise; that the primary differences in the two proposals is the amount of information required regarding equipment in a plant.

Dr. Bacciocco moved the adoption of the Staff's recommendation, Resolution No. 1018, In the Matter of Amending Regulation 2 Relating to Permits and Permit Fees; seconded by Mr. McCorquodale.

In discussion, Mr. Lemos suggested adopting the Council's recommendation stating that in 3-4 months if there are problems with this definition, it could be brought to the attention of the Board and Council for further discussion.

Mr. Kenny moved a substitute motion, that the Board adopt the Advisory Council's recommendation, Resolution No. 1018, In the Matter of Amending Regulation 2 Relating to Permits and Permit Fees; seconded by Mr. Lemos.

In discussion, Mr. Callaghan stated that \$150,000 had been put in the budget for the permit fees; that the final budget will be adopted in June.

Mr. Doetsch suggested that the matter be continued for two weeks and that the Staff and Advisory Council meet with respect thereto, to which Mr. Callaghan responded that the discussion between the Council and the Staff had been going on for 4-5 months and that an additional meeting would not make a difference because of the difference in philosophy.

On inquiry from Dr. Lance, Mr. Callaghan stated that neither the Council's nor the Staff's proposal would affect the budget; that by adopting the Council's proposal it would reduce the District's effectiveness in getting the information it needs.

Mr. Brinkley referred to H&S Code §42510 with reference to, "right of entry" stating that if an Inspector did not have the right to get

information on any other piece of equipment than that defined as, "source", this would hamper enforcement action.

Mr. Powell pointed out that the Council's approach would diminish the scope of the District's authority and would affect what is covered by an Authority to Construct and Permit to Operate.

Mr. Callaghan advised that the sources emitting 500 T/Y w advised yesterday that they had to make application by July 1, but were not required to submit a complete application and could augment that submitted. He reviewed the Technical Committee's discussion on the definition and the events leading up to their final recommendation to the Council.

Mr. Doetsch moved to continue the matter until June 15, 1977, to give the Staff time to meet with the Technical Committee. There was discussion on whether this motion was in order and it was agreed that a vote on the substitute motion needed to take place first. Mr. McCorquodale spoke in opposition to the continuance, as did Mr. Oliver.

Mr. Kenny's substitute motion failed on roll call:

AYES:	KENNY, LEMOS.
NOES:	BACCIOCCO, CHAPMAN, DOETSCH, KOEHLER, LANCE, MCCORQUODALE, NELDER, OLIVER, TIRSELL.
ABSENT:	COOPER, CULLEN, LEIPZIG, POZNANOVICH, SANTANA, STEINBERG, TAMARAS.

Mrs. Koehler moved an amendment to Dr. Bacciocco's main motion to change the word, "required" in §1317.3 to, "applied for", and that the date of July 1, 1977 be changed to the 60-day extension; seconded by Mr. Oliver.

In discussion, Mr. Callaghan stated that he did not feel the July 1, 1977 date should be changed; that this was a requirement of the ARB, and Mrs. Koehler withdrew her amendment with respect to the date.

After further discussion, Mr. McCorquodale moved that the matter be continued to June 1, 1977; seconded by Dr. Lance; carried on roll call:

AYES:	BACCIOCCO, CHAPMAN, DOETSCH, KENNY, LANCE, LEMOS, MCCORQUODALE, NELDER, TIRSELL.
NOES:	KOEHLER, OLIVER.
ABSENT:	COOPER, CULLEN, LEIPZIG, POZNANOVICH, SANTANA, STEINBERG, TAMARAS.

It was agreed that Dr. Bacciocco's motion to adopt the Staff's recommendation, plus Mrs. Koehler's amendment, would be on the floor for discussion on June 1.

APPROVAL OF MINUTES OF MAY 18, 1977

Mr. Lemos moved the Minutes be approved; seconded by Mrs. Koehler.

In discussion, Mr. Callaghan requested a correction on page 9, paragraph 2, to add: " Mr. Callaghan stated the ARB was holding a meeting on May 25 in San Diego and it was unlikely that anyone from management would be present ".

The Minutes were approved as corrected.

REPORT OF THE EXECUTIVE COMMITTEE Alfred J. Nelder, Chairperson

Chairperson Nelder reported the Committee met prior to the Board meeting to discuss the Legal Department's report on Settlements Involving Ten or more Notices of Violation; that the Committee authorized Messrs. McCorquodale and Toney to attend the APCA meeting in Toronto, and Mr. Dale Williams to attend the National Computers Conference in Dallas. He stated the Committee also received a report on the handling of complaints received during the hours of 8:00 P.M. and 6:30 A.M.

He stated the Committee also discussed a recommendation of the Subcommittee on Organization and Effectiveness, with respect to communications and that Ms. Harder will continue to summarize the communications.

PRESENTATION OF THE 1977-78 PRELIMINARY BUDGET

Mr. Callaghan reviewed the Narrative contained in the Proposed 1977-78 Budget. He pointed out that each Division's request was included under the column, "estimated requested". He recommended that the proposed budget be adopted and that it be referred to the Budget and Finance, and Personnel Committees.

Dr. Bacciocco requested information on the following items:

The reason for the difference of the estimated proposed for the Administrative Division shown on pages 11 and 16.

The reasons for the increase over 1976-77 fiscal year for the Administrative Division.

An explanation of the figures for account number 215-Maintenance-Building, under Administration as to why the 1977-78 estimated request has dropped from the 1975-76 fiscal year and why the Estimated Proposed 1977-78 is greater than that requested.

Dr. Bacciocco referred to the Personnel section and inquired as to the increase in account number 250 - Professional and Special Services, to which Mr. Callaghan responded that \$16,000 had been included for a salary and classification survey.

Chairperson Nelder requested that the Staff reply to Director Bacciocco's questions in writing and that each Director be furnished the response.

Mr. Chapman moved that the Board accept the budget as the 1977-78 Proposed Budget and forward it to the Committees; seconded by Mr. Lemos; carried.

Mrs. Koehler pointed out that the Chairperson of the Budget and Finance Committee has not been attending Board meetings and suggested another Chairperson be appointed, and that the appointing agency be advised of this lack of attendance.

After discussion, Mr. Chapman suggested that the Chairperson write Director Leipzig inquiring if she wished to continue to serve on the Board or if her schedule did not permit this, with which Chairperson Nelder agreed.

Mrs. Koehler requested that the Chairperson monitor the Budget and Finance Committee meetings, pointing out that they have not had a quorum the last couple of meetings.

EXECUTIVE SESSION WITH DESIGNATED REPRESENTATIVES, PURSUANT
TO GOVERNMENT CODE SECTION 54957.6 TO REVIEW BOARD'S POSITION
AND INSTRUCT ITS DESIGNATED REPRESENTATIVES RELATIVE TO CON-
SULTATIONS AND DISCUSSIONS WITH REPRESENTATIVES OF EMPLOYEE
ORGANIZATION

The Board went into Executive Session at 11:40 A.M., and reconvened at 12:10 P.M.

REQUEST BY THE BAAPCD EMPLOYEES' UNION TO MAKE
A PRESENTATION TO THE BOARD OF DIRECTORS

Mrs. Christine Bell, President

in her presentation stated that the employees represented by Local 2821 did not accept the District's final offer on the issues of salary, health and dental benefits and hours of work; that the District has offered a 5% salary increase, whereas the CPI for March 1976 to March 1977 has risen 6.4% and therefore the Union was requesting a 6% increase. She pointed out that the State Ways and Means Committee is proposing a 10.1% increase.

Mrs. Bell stated the Union was asking for increase benefits for health and dental care and presented a report entitled Health Insurance dated May 12, 1977, outlining the District's proposal and Union's proposal, which she reviewed.

She pointed out that the District proposes to delete the normal hours of work and that the Union cannot negotiate on the question of premium pay without knowing what hours are to be worked; that the Union and management did not meet and confer. by proper definition on the question of salaries and fringe benefits; that the Union was told that due to a lack of funds only a limited amount of money was available but that it was negotiating with management without adequate knowledge of the financial condition of the District. She briefly reviewed the revenues

and funds available pointing out that the policy question before the Board was not whether or not tax rates are to be changed, but whether or not the District should use money now available under the Law. She outlined the funds in the Fund Balance Available for the last 3 years and questioned how much the District has over-budgeted this year; that it could not be determined whether the General Reserve was too high. She questioned whether management has actually reflected Board policy during negotiations specifically the Union's request for salary parity with the cost of living increases; that individual District's employees must bear the staggering increase in medical insurance rates. She pointed out that at the District's request a mediator from the State Conciliation Service was called into the meet and confer sessions and that such sessions were recessed subject to his call but that Mr. Callaghan has advised the Board that such sessions have been concluded. She requested that the Board reconsider its position on the issues raised and that management resume meet and confer sessions with the Union.

Dr. Bacciocco left at 12:15 P.M.

COMMUNICATIONS

The following communications have been received:

Donald R. Ness, Chairman
Peninsula Manufacturer's Assoc.
Environmental Action Committee
expressing concern for the length of time allowed industries to submit the Source Emission data, and requesting that the reporting be done in the timeframe spelled out in §1317.3, Regulation 2.

Charles Kinney, Counselor
Associated Building Industry of Northern California
copy of letter to Environmental Management Task Force re LIRAQ II Computer Modeling Runs, requesting several air quality modeling runs be conducted to examine the effectiveness of proposed control measures, referring to pretesting that can be done.

Robert J. Hanna
Associate Planner
City of Mill Valley
attaching copy of final EIR prepared for Miller Avenue Residential Development.

George J. Vukasin
Vice-Mayor
City of Oakland
extending invitation to Directors Cooper, Oliver, Santana and Tirsell to attend public meeting on May 26 to discuss property tax assessments in the City of Oakland

R. F. Miller
Chief Refinery Engineer
Union Oil Company of California

expressing concern over the Board's action on May 18 with respect to the Permit proposal, stating he was not aware of any directive by an authorized officer of EPA or CARB that District must have a permit system by July 1, 1977, and requesting that the "mandate" be specifically cited; and listing a summary of data provided to date; and requesting that the wording in §1317.3, "permits shall be applied for" be retained.

Jim Campbell, Executive Director
California Service Station Association
requesting the exemption for standard nozzle for unleaded fuel be extended until a nozzle is designed that will handle all 1975-77 models; and requesting that the amendment to §1302.2 not be supported until ARB certifies a safe nozzle.

John D. King
West Coast Operations Manager
Lion Oil Company
requesting that the Advisory Council proposal for amendments to Division 13, Regulation 2 but retaining the present "permits shall be applied for" wording be adopted; and that the July 1 deadline be extended for submission of applications.

Peter J. Cremidas
Mountain View
expressing concern over the use of the new vapor recovery nozzles, the spillage and fire hazard; and suggesting some immediate solutions including halting of further installation of such nozzles; and suggesting some solutions for further study.

ABM Houston, Manager
Compliance and Liaison Department
Stationery Source Environmental Control
Ford Motor Company

suggesting that the proposed permit fee system be withdrawn, and that if it is not, recommending changes to Sections 1317.3 (A) and 1317.4.

OTHER

Mr. Callaghan reported on the In-Stack Monitoring program stating that of the 20 installations, 14 had been checked by the District and only 4 had passed the test, the problem arising because of inadequate calibration by the instrument supplier. He advised that PG&E has applied for a variance in connection with the installation of its monitors and that the Hearing Board has taken the matter under submission. He stated that

in view of the calibration problem it might be desirable for the APCO to seek a class variance for 90-days.

On inquiry from Ms. Tirsell, Mr. Callaghan stated that it was a lack of manpower to do the calibration and that additional people have been hired and are being trained.

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The following reports were presented:

Pending Referrals from Board of Directors dated May 19, 1977;
Summary of Actions Taken - Board of Directors - May 18, 1977.

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, June 1, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:25 P.M.

Respectfully submitted,

Mabel Harder
Secretary

MH:se

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JUN 13 1977

UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS

REGULAR MEETING

Wednesday
June 1, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P. Doetsch, Sr.
James P. Kenny, Ruth Koehler,
Elwon Lance, James Lemos, Daniel A.
McCorquodale, Alfred J. Nelder,
Richard W. Oliver, Gerald M.
Poznanovich, Charles Santana,
Geraldine Steinberg, Peter Tamaras.

BOARD MEMBERS ABSENT:

Marguerite Leipzig, Helen Tirsell.

ADVISORY COUNCIL MEMBERS
PRESENT:

Ruth Church Gupta, Chairperson;
Joseph D. Coons, Robert Debs.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Robert B. Ady,
Thomas F. Bell, Hulan F. Brinkley,
Milton Feldstein, Richard W. Grieves,
Michael Macomber, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Mabel Harder.

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Chairperson Nelder called the meeting to order at 10:10 A.M.

APPROVAL OF MINUTES OF MAY 25, 1977

The Minutes were not available.

REPORT OF ADVISORY COUNCIL LIAISON
Stuart C. Cullen

There was no report.

SOCIAL SECURITY REPORT

Mr. Callaghan advised the District had contracted with The Wyatt Company, to learn the advantages and disadvantages of withdrawing from Social Security; that Mr. Arnold had made presentations to the Staff on two occasions as to the merits and benefits of Social Security compared with other types of retirement systems, principally the State of California; that an election was held to determine whether or not the employees wished to remain in Social Security and that the results were 87 to remain and 84 to withdraw.

Mrs. Koehler arrived at 10:10 A.M.

Mr. Callaghan pointed out that the Board's decision was not controlled by the employees' vote.

Mr. Oliver arrived at 10:14 A.M.

Mr. Kenny stated he felt the Board should support the employees' recommendation. On inquiry from Mr. Lemos, Mr. Callaghan stated that approximately 35-38 employees did not vote.

E. Allen Arnold
The Wyatt Company

called attention to his letter dated May 26, 1977 and briefly reviewed it. He pointed out that although the Little Hoover Commission of the State had recommended that the State not withdraw with respect to its own employees, it concluded that its recommendation with respect to State employees should not be taken as applying to all public employees. He advised that the District should stay in PERS but that it does not offer enough flexibility with respect to the options available to the District to make a good package with Social Security.

Dr. Lance arrived at 10:25 A.M.

Mrs. Steinberg pointed out that the Budget and Finance Committee had met with Mr. Arnold; that the Board had made the decision that \$175,000 would be budgeted for contributions to Social Security or some other plan; that in light of the vote, Mr. Arnold's presentation and the facts presented that the District should not withdraw, and she moved that the Board support

the Staff's recommendation; seconded by Mr. Kenny.

Mr. Cooper requested an amendment to the motion, that the Staff review this matter every 12 - 18 months, particularly, if there is indication Legislation terminating the District's right to withdraw is moving in Congress, the Board should be notified. Mrs. Steinberg agreed to the addition of the amendment, and the amended motion carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN,
DOETSCH, KENNY, KOEHLER, LANCE,
LEMONS, MCCORQUODALE, NELDER, OLIVER,
POZNANOVICH, SANTANA, STEINBERG,
TAMARAS.

NOES: NONE.

ABSENT: LEIPZIG, TIRSELL.

Chairperson Nelder requested the Staff to prepare notice that the District did not intend to withdraw from Social Security.

CONTINUATION OF DISCUSSION ON AMENDMENTS TO REGULATION 2
PERMIT FEES

Mr. Cooper called attention to the Dow Chemical U.S.A. letter dated May 27, 1977, suggesting information required by the EPA and the ARB be reported directly to them; that other agencies in the State are not requiring the information the District is. Mr. Callaghan pointed out that the ARB and EPA have prescribed a specific reporting system; that other Districts in the State have had a permit system for years; that the BAAPCD is the only one that does not have a permit system and it is for this reason that the ARB has requested the District to get the basic information being requested and has tied this request to the subvention funds; that both LAAPCD and the District are required to furnish the information this year and that other Districts, including San Diego and Yolo, will be required to so furnish next year.

On inquiry from Mr. Cooper, Mr. Callaghan stated the District has been able to enforce its present regulations, but under the new permit system it will not be able to do so without the additional information.

Mr. Cooper suggested adopting the Staff's definition, but authorizing any particular industry to be exempt from the broader part of the definition, providing they will provide information when it is required for enforcement purposes, and that the sources provide the information directly to the ARB and EPA. Mr. Feldstein pointed out the District needed the information to develop its source inventory, and modeling capability as to the impact of emissions at ground level, pointing out the purpose in requiring the information is to provide in one format the stack height, temperatures and parameters for use in the modeling program; that the sources back of the emission point are important because if a change in the process takes place it affects the emissions. Mr. Cooper stated he was troubled by the need to go back three stages behind the source; that the District was asking for more information than was ever needed before to enforce the regulation.

Mr. Feldstein stated it was not the Staff's purpose or intent to have information on trade secrets or processes but that the Staff needs to know precisely what is coming out of every source, and that the Advisory Council's definition did not provide this. Mr. Lemos also expressed concern about the necessity to examine all upstream sources stating that if a change takes place upstream, the District can then ask for the information. Mr. Feldstein pointed out that the Council's definition would preclude the Staff from getting this information since only the last operation would be under permit.

Dr. Bacciocco stated he would support the Staff's recommendation, if the Staff held in confidence the proprietary and trade secret process information. Mr. Powell pointed out that the Administrative Code had a provision relating to trade secrets.

On inquiry from Dr. Lance, Mr. Feldstein stated that under the upset/breakdown regulation it is necessary for the Staff to go upstream to evaluate the source which caused the upset/breakdown.

Mr. Powell pointed out that this information was also necessary to show intent and negligence. Dr. Lance stated that the Staff's proposal would give the Staff much more authority than it had had in the past and would require information in every instance, not just under upset/breakdown conditions; that it was much easier to increase power than to take it away and that for this reason he suggested the Board adopt the Council's proposal and then refer the matter back to the Staff and the Council for further review with respect to the necessity for upstream information because he was concerned that requiring this information was an invasion of privacy. Mr. Feldstein pointed out that such information was being required presently for new and modified sources.

Mrs. Steinberg in comments stated she would accept the Staff's recommendation, but suggested eliminating some of the burden of reporting, and that it not be an automatic process. Mr. Powell referred to Health and Safety Code §42303, stating this statute limited the information requested. Mr. Feldstein advised that only 36 companies have to come into the system by July 1, 1977; that the Staff sent letters to 250 companies in order to get information which the District has to supply to the ARB and EPA; that most of the information required is routine and only about 15% more complex.

Mrs. Koehler in comments supported the Staff's definition, but expressed concern with the amount of information being required by the District, to which Mr. Feldstein responded that the information was needed for the EIS forms required by the EPA and that the ARB required that the data be on the official EIS forms.

On inquiry from Mr. Kenny, Mr. Callaghan stated that with the Staff's proposal the District would have cleaner air because permits would be required on more sources than just the last piece equipment and thus would give more enforcement control.

Mr. Cooper again suggested that the Board adopt the Staff's proposal,

but with an amendment to provide an exemption procedure whereby the Staff would detail when and why they needed the information. Mr. Chapman stated he could not support the motion because he was confident that the Staff would make reasonable judgments when requiring the information; that they act in the best interests of the District; that if the Staff did not act reasonably, industry should bring this to the attention of the Board.

Dr. Cullen in his comments stated that there should be the same standards as for new and existing sources; that he was opposed to any erosion of standards for cleaner air.

On inquiry from Dr. Lance, Mr. Callaghan stated the District has not lost any of its subvention funds, but that monies are being withheld; that the Staff was in the process of negotiating with the ARB with respect to the 60-day extension.

After further discussion, Mrs. Koehler moved an amendment to Dr. Bacciocco's main motion made on May 25, 1977, to adopt the Staff's recommendation; in §1317.3, line 3, to change the word, "required" to "applied for"; and that in D, the Advisory Council reviewed the figure of 0.5 tons per year to determine if this is a realistic bottom level; seconded by Mr. Chapman.

In discussion, Mrs. Gupta pointed out that there was a difference in philosophy between the Staff and the Council and that if EPA and ARB requires certain data they would have the right to get it without relying on the proposed amendment.

On inquiry from Mr. Doetsch, Mr. Callaghan stated that if the Board adopted the Staff's recommendation, the Advisory Council will be reviewing it in connection with the present recodification of all regulations.

Mrs. Koehler's amendment carried on roll call:

AYES:	BACCIOCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KOEHLER, LANCE, LEMOS, McCORQUODALE, NELDER, OLIVER, POZNANOVICH, SANTANA, STEINBERG, TAMARAS.
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NOES:	KENNY.
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ABSENT:	LEIPZIG, TIRSELL.
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Dr. Bacciocco's motion, Resolution No. 1018, In the Matter of Amending Regulation 2 Relating to Permits and Permit Fees, failed on roll call:

AYES:	BACCIOCO, CHAPMAN, CULLEN, DOETSCH, KOEHLER, McCORQUODALE, NELDER, OLIVER, TAMARAS.
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NOES:	COOPER, KENNY, LANCE, LEMOS, POZNANOVICH, SANTANA, STEINBERG.
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ABSENT.	LEIPZIG, TIRSELL.
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Mr. Cooper moved to adopt the Staff's definition of Source, subject to working out an exemption procedure in which the Board would spell out exactly what information and under what circumstances an Applicant can be exempt from including information on the upstream facilities in the permit; and that the Staff be instructed to meet with the Advisory Council and outline exactly when and why they want information on upstream sources, and report back to the Board for approval as part of the exemption process; seconded by Dr. Bacciocco.

In discussion, Dr. Bacciocco suggested that to eliminate any possibility of grey areas that if there are any possible sources of contaminants upstream which it is impossible to scientifically classify that they should be pointed out, and he suggested this be included in the motion, which was not acceptable to Mr. Cooper.

Mr. Poznanovich suggested adopting the Council's proposal and that within a reasonable time the Staff and the Council come back to the Board after further discussion of the matter.

Mr. Powell stated he felt Mr. Cooper's motion was a motion of intent, and pointed out that in November 1976, the Board adopted a regulation requiring the 500 T/Y sources to apply for a limit as of July 1, 1977; that unless a regulation on the permit fees is adopted, sources will be applying without paying any fee; that the Advisory Council's proposal makes substantial changes in §§1301 and 1302, the basic Permit Section, which he outlined pointing out that such changes affect other sections as well, including §§1311 and 1311.2.

Mr. McCorquodale moved the matter be tabled until the Board's next meeting; seconded by Mr. Oliver; failed on roll call.

AYES:	CHAPMAN, CULLEN, KOEHLER, MCCORQUODALE, NELDER, OLIVER, TAMARAS.
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NOES:	BACCIOTTO, COOPER, DOETSCH, KENNY, LANCE, LEMOS, POZNANOVICH, SANTANA, STEINBERG.
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ABSENT:	LEIPZIG, TIRSELL.
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Dr. Bacciocco withdrew his second of Mr. Cooper's motion and moved a substitute motion to accept the Staff's proposal and direct them and Advisory Council to return in 6 weeks or earlier enumerating all the circumstances under which they would have the authority to go upstream and trace the source of emission; seconded by Mr. Oliver.

Mr. Cooper then made a sense motion that it is the Board's intent to adopt the Staff's definition of source and to spell out exemptions from supplying broad information on upstream facilities providing the person applying for the exemption agrees to supply the information on upstream under certain circumstances to be spelled out, including upset/breakdown and EIS information; seconded by Dr. Bacciocco.

In discussion, Mr. Chapman inquired if the Staff were able to outline all instances in which they would want to go beyond the source, to which Mr. Callaghan responded that the Staff had met yesterday with industry representatives at which meeting he suggested that the Staff develop guidelines for the enforcing of the new section dealing with definition of source; that these will be discussed with industry and could be presented to the Board for its review and determination, which would take care of Mr. Cooper's concern, but he pointed out that this would take time. On inquiry from Dr. Lance, Mr. Callaghan stated that industry was requested to provide questions on which they wished to have a response, and suggestions as to what should be included in the guidelines; that it might take 1-2 months to develop such guidelines because it was necessary to meet with industry and the Advisory Council. Dr. Bacciocco suggested that industry advise the Staff and the Council those exemptions they would like in the guidelines.

There was discussion on whether the Board could vote again to adopt the Advisory Council's proposal, Mr. Powell pointing out that it failed to pass on May 25 and that if it is to be reconsidered a Director who voted on the losing side would have to move to reconsider the matter.

Dr. Bacciocco in reviewing the intent of his motion stated it was to accept the Staff's proposal and direct the Staff in conjunction with the Advisory Council and industry to report back to the Board in 6 weeks with the guidelines that would outline those circumstances under which the Staff would have the right to go upstream, and including other circumstances; that industry would take an active part in the negotiations, advising the exemptions they want as part of the guidelines and that the Board could modify.

Mr. Cooper pointed out that Dr. Bacciocco's motion was out of order and requested a ruling on the point of order. Chairperson Nelder allowed Dr. Bacciocco's motion to proceed and it failed on roll call:

AYES:	BACCIOCOCCO, CHAPMAN, CULLEN, KOEHLER, McCORQUODALE, NELDER, OLIVER, STEINBERG, TAMARAS.
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NOES:	COOPER, DOETSCH, KENNY, LANCE, LEMOS, POZNANOVICH, SANTANA,
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ABSENT:	LEIPZIG, TIRSELL.
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After discussion, Mr. McCorquodale moved to rescind the previous action and vote again; seconded by Dr. Bacciocco.

There was discussion as to whether this was a proper motion, Mr. Powell advising that only a Director who voted on the No side could move for reconsideration.

Mr. Santana stated that he was against the Staff's recommendation of an open door policy because it would give the Staff too much power; that if industry is polluting they could be controlled under the present regulation.

Mr. Cooper restated his sense motion, stating it was to indicate the Board's intent to adopt the Staff's definition of source once it has

approved the circumstances under which the Staff can ask for information upstream of the facility that are defined in the Council's definition of source; seconded by Mr. Kenny.

In the discussion of the intent of Mr. Cooper's motion, Mr. Powell stated that it would not adopt any change in the regulation but would put the Board on record as favoring the Staff's recommendation but with the request that additions to the regulation be made which would spell out the details by which industry could seek exemption from the permit requirements if they agree to provide certain information.

Mr. Cooper's motion failed on roll call:

AYES:	COOPER, DOETSCH, KENNY, LANCE, LEMONS, POZNANOVICH, SANTANA, TAMARAS
NOES:	BACCIOCCO, CHAPMAN, CULLEN, KOEHLER, McCORQUODALE, NELDER, OLIVER, STEINBERG.
ABSENT:	LEIPZIG, TIRSELL.

There was discussion on the fact that the present regulation would go into effect July 1, Mr. Powell advising that the Board could amend the existing regulation to change the effective date to August 1, and continue its discussion of the matter. Mr. Oliver stated he did not see any necessity for changing the date, and suggested that the matter be continued until the Board's next meeting and that an attempt be made to have all Directors present. Mrs. Koehler suggested adopting the fee structure and apply it to the regulation as adopted by the Board November 1976.

Mr. Cooper moved that the matter be put over until July 6, 1977 and that the permit regulation be delayed until August 1, 1977; seconded by Mr. Lemos.

In discussion, Mr. Callaghan pointed out that the 60-day extension provided by the ARB did not apply to the 500 T/Y sources.

The motion failed on roll call:

AYES:	COOPER, DOETSCH, KENNY, LANCE, LEMOS, POZNANOVICH, SANTANA.
NOES:	BACCIOCCO, CHAPMAN, CULLEN, KOEHLER, McCORQUODALE, NELDER, OLIVER, STEINBERG, TAMARAS.
ABSENT:	LEIPZIG, TIRSELL.

Mr. Chapman moved to continue the matter until June 15, 1977; seconded by Mr. Oliver.

Mr. Cooper suggested an amendment to the motion that between now and June 15, the Advisory Council meet; that the Staff send out the Minutes; and that the Staff analyze the proposals discussed in this matter and submit them, which was acceptable to Mr. Chapman.

The motion carried on roll call:

AYES:	BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEMOS, McCORMQUODALE, NELDER, OLIVER, POZNANOVICH, SANTANA, STEINBERG, TAMARAS.
NOES:	NONE.
ABSENT:	LEIPZIG, TIRSELL.

REPORT OF THE AIR POLLUTION CONTROL OFFICER
D. J. Callaghan

1. Legislation

Mr. Callaghan called attention to his report, Status Report on Legislation 1977-78 Legislative Session dated May 26, 1977 and to a copy of AB-471 (Calvo), reviewing the amendments thereto.

Dr. Bacciocco and Mr. Tamaras left at 12:50 P.M.

2. Division Monthly Reports

The following reports were presented:

Director of Enforcement - Monthly Activity Report for May, 1977;
Director of Engineering Services - Monthly Activity Report
April 20, 1977 to May 20, 1977;
Director of Technical Services - Monthly Activity Report
April 21, 1977 through May 18, 1977;
Director of Public Information Monthly Activity Report
April 23, 1977 - May 25, 1977;
Status of Legal Matters - April 21, 1977 - May 19, 1977;
Controller's Appropriation Statement and Cash Position
April 30, 1977

Mr. Feldstein requested the following corrections in the report of the Director of Technical Services:

Paragraph 2 under Meteorology and Data Analysis Section, line 1, change "SO₂" to "H₂S"; line 3, change "H₂S" to "SO₂"; line 4 change "H₂S" to "SO₂".

COMMUNICATIONS
Daniel A. McCorquodale, Secretary

The following communications were received:

Suzanne Reed
OCS Project Manager
Office of Planning and Research
enclosing copy of press release outlining the Secretary of the
Interior's new policy on Outer Continental Shelf Oil and Gas Leasing.

Randy Hayes
San Francisco
copy of letter to Board of Education inquiring if there is an
environmental education program in the school system, and requesting
that the BAAPCD's bulletin, Air Pollution and the San Francisco
Bay Area, be required reading for students.

Charles Kinney, Counselor
Associated Building Industry of Northern California
enclosing ARB Executive Order J-223, defining "facilities" as
"sources"; that he did not believe it was the intent of ARB to
require evaluation of everything in a plant; that they are only
interested in "emission inventory data".

William S. Morgan
El Cerrito
requesting that the budget be scrutinized and a serious effort made
to reduce the tax rate as much as possible, ideally by 30%, and setting
forth some examples by such reduction on various properties.

D. L. Bauer
Environmental Control
Dow Chemical U.S.A.
advising that there has been no reluctance to give emission information
or knowledge of the operation; that they have released information to
EPA, CARB and BAAPCD when requested; that the need for the requested
information should be demonstrated; that proprietary and trade secret
process information must be protected; that he did not understand
the arbitrary position the Staff has chosen to take on their need for
"source" information throughout each process; that no similar informa-
tion request has been received by any of their other California or
U.S. production plants.

Director Daniel A. McCorquodale
suggesting the third Wednesday meeting of each month be used for
a series of meetings in each County on air quality, and suggesting an
agenda format.

Kenneth Cory
State Controller
Report of Examination Air Pollution Control Subvention Program
1974-75 Fiscal Year.

R. W. Davis
Chevron U. S.A.
regarding amending Regulation 2 concerning Right of Access and
Information Request. suggesting the matter be referred to the
Advisory Council.

BOARD REFERRALS AND ACTIONS TAKEN REPORTS

Not available.

OTHER

Chairperson Nelder requested that Mr. Feldstein outline his recent trip to Australia and New Zealand for the Board at its next meeting; and Mrs. Jean Siri outline the award which she received.

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, June 15, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:55 P.M.

Respectfully submitted,

Mabel Harder
Secretary

MH:se

A1581

BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

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STUDIES LIBRARY

JUN 15 1977

BOARD OF DIRECTORS
REGULAR MEETING

UNIVERSITY OF CALIFORNIA

Wednesday
June 15, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P. Doetsch, Sr.,
James P. Kenny, Ruth Koehler,
Elwon Lance, Marguerite Leipzig,
James Lemos, Daniel A. McCorquodale,
Alfred J. Nelder, Richard Oliver,
Gerald M. Poznanovich, Charles Santana,
Geraldine Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBER ABSENT:

Edward J. Bacciocco, Jr.

ADVISORY COUNCIL MEMBERS
PRESENT:

Ruth Church Gupta, Chairperson;
Joseph D. Coons, Scott Lynn.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Robert B. Ady,
Thomas F. Bell, Hulan F. Brinkley,
Milton Feldstein, Dario Levaggi,
Donald A. Monaghan, Edward W. McHugh,
John F. Powell, Douglas Winget,
Mabel Harder.

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Chairperson Nelder called the meeting to order at 10:15 A.M.

APPROVAL OF MINUTES OF MAY 25, 1977

On motion of Mr. Chapman; seconded by Mrs. Koehler; carried.

APPROVAL OF MINUTES OF JUNE 1, 1977

Mr. Callaghan requested the following corrections:

Page 3, paragraph 1, line 1, to read, "the Staff's report;..."
Page 5, paragraph 4, line 3, to read, "in \$1317.3, line 10,...."
Page 8, paragraph 9, add: "Mr. Callaghan stated the 500 T/Y sources were required to apply for a permit by July 1, 1977, but that they were not required to provide all the basic information at that time and could continue to utilize the 60 days to complete their application."

Ms. Harder referred to page 3, paragraph 2, wherein the Board voted to resend its notice of intention to withdraw from Social Security, stating that this should have been done by Resolution which had not been available at the time of the motion, and that she has assigned Resolution No. 1018, In the Matter of Rescinding the Notice of Intention to Terminate the Social Security (OASDHI) Agreement between the Bay Area Air Pollution Control District and the State of California.

Mr. Oliver arrived at 10:18 A.M.

Mr. Santana moved approval of the minutes as corrected; seconded by Mr. Kenny; carried.

REPORT OF THE PERSONNEL COMMITTEE
Daniel A. McCorquodale, Chairperson

Mr. McCorquodale reported that the Committee met on June 8 and referred a number of recommendations to the Budget and Finance Committee.

He stated that the Committee recommends that the Secretary to the Board be authorized to fill the vacant Senior Clerk Stenographer position at Step B or C in the salary range because of the difficulty in filling the position with a qualified person at Step A, and that if she hires the individual at Step B or C that the present newly hired Senior Clerk Stenographer be upgraded accordingly, and he so moved; seconded by Mrs. Koehler; carried.

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Chairperson Nelder stated that the next regular meeting scheduled for June 22 will be postponed until June 29 because a number of Directors will not be present on June 22. Mrs. Koehler pointed out that four Directors were involved with EMTF, which will be meeting on June 29; Mr. Chapman indicated that he would try to have the meeting time of EMTF changed. Mr. Callaghan pointed out that the meeting on June 29

would have to be a Special meeting and that only those items listed on the agenda could be taken under consideration. Mr. McCorquodale suggested that the meeting be scheduled for June 22 and that the Board authorize the Secretary to be present to adjourn the meeting to June 29 due to a lack of a quorum. After further discussion, it was agreed that the next meeting would be a Special meeting on June 29 and that the agenda would include an item specifically relating to labor negotiations.

REPORT OF THE ENVIRONMENTAL MANAGEMENT TASK FORCE

Sam Chapman, Vice Chairperson

Mr. Chapman advised that the Task Force spent most of its time discussing the report on Air Quality Control Strategies, that a copy of the report is to be submitted to each Director.

APPOINTMENT OF NOMINATING COMMITTEE FOR SELECTION OF
THE NEW OFFICERS FOR THE 1977-78 FISCAL YEAR

Chairperson Nelder appointed the following members:

Directors Bacciocco, Doetsch, Koehler, Oliver, Nelder.

He stated the Committee would meet at 9:30 A.M. on June 29, 1977 and requested Ms. Harder to notify the Committee members.

REPORT OF THE ADVISORY COUNCIL

Ruth Church Gupta, Chairperson

Mrs. Gupta reviewed her report, Recommendations of Advisory Council with Respect to Amendments to Regulation 2 - Permit Fees, dated June 15, 1977.

Scott Lynn, Chairperson
Technical Committee
Advisory Council

in comments stated the Council's concern with the Staff's previous proposal was that it would involve a large amount of paper work and unnecessary data gathering; that §§1317.93 and 1317.94 was restrictive language and should relieve any fears that the District would be asking for information not related to air pollution; that it does not give the APCO any authority that he does not already possess and restricts that which he can request and specifically states that any change in operation, materials and feed-stock are not covered under the permit and that if a change in operation increases emissions this should be reported to the District within 30 days; that during the recodification discussion the Council will try to develop more quantitative language than, "significant"; that if a problem develops between industry and Staff as to the amount of reporting that is required, the Council would try to resolve this.

Mr. Lemos referred to the communication from the Bay Area League of Industrial Ass'ns, Inc., dated June 9, 1977 with respect to the amount of information that will be required, stating he did not feel that the language provided any change in the amount of information the Staff could request, pointing out that once a regulation is adopted it is difficult to change.

Mr. Poznanovich arrived at 10:42 A.M.

CONTINUATION OF DISCUSSION ON AMENDMENTS TO REGULATION 2
PERMIT FEES

Mr. Feldstein called attention to the APCO's report, Amendments to Regulation 2 Regarding Permit Fees, dated June 9, 1977, pointing out that two major issues have been raised, (1) the kind of information the Staff would be looking for; (2) what would require a permit under the Staff's definition of "source" as compared to that of the Council's, stating that Staff has felt that it should have the authority to go beyond the source operation to determine what goes on upstream and that the addition of §§1317.93 and 1317.94 was an attempt to clarify this concern; that §1317.94 spells out very clearly that when changes are made which affect emissions they should be reported to the District; that the Staff avoided using such words as "major and significant" emissions, although would have no objections to inserting such words. On inquiry from Mrs. Koehler as to whether fuel compositions changes needed to be reported, Mr. Feldstein stated only insofar as the emissions are significantly affected, pointing out that if a change occurred which would result in a large amount of SO₂ being emitted, this would be of concern to the District but that normal changes in crude, fuel and process materials are not of interest to the District.

On inquiry from Mrs. Koehler as to that which will be required from existing sources when a permit is issued, Mr. Feldstein reported that it was not the Staff's intent to ask for such information unless there are real changes in emissions; that 1 #/hr increase would not be considered important.

On inquiry from Mr. Cooper, Mr. Feldstein stated that the intent of the language is that the District be notified if there is a change which has not occurred in the last year.

Mr. Chapman inquired if the Advisory Council had any objections to adding the word, significantly, to which Mrs. Gupta responded in the negative.

Mr. Feldstein distributed a new draft of §1317.94 dated June 14, 1977 in which Staff proposed the use of the words, "major changes" and "significantly affect", and he reviewed the difference between this proposed section and that contained in the APCO's report of June 9, 1977.

Dr. Cullen pointed out that the Advisory Council is to pursue the matter of quantification of the changes in further meetings and that he felt the Board was wasting its time trying to define, "major" and "significant".

Mrs. Steinberg referred to BALIA's letter of June 9, 1977, proposing that industry sign an agreement to provide certain information, and requested that Staff comment thereon, to which Mr. Powell responded that it was unwieldy to put contracts in regulations and also has the effect of avoiding permits and permit fees.

Dr. Lance referred to H&S §42303, and inquired as to the difference of authority under this and §1317.93, to which Mr. Powell responded that §1317.93 clarifies the information for which the District would be asking, pointing out that under the Statute the District can only ask for information for which a permit has been issued.

Terry McGuire
ARB

in comments stated that the District Staff must have a great deal of information in order to effectively estimate and anticipate present and future emissions and evaluate existing controlled strategies and new controlled strategies; that the ARB believes that knowledge of a source is important to a District to have an effective program; that the ARB Staff has reviewed the plan data package sent to industry and believes the forms to be thorough and effective and not unlike what other Districts in the State have been requiring; that in the LAAPCD major combustion sources report monthly but on a daily itemized basis the sulfur content of fuel used; that it is best to be explicit so that the sources being regulated can understand better what the Staff expects.

Mrs. Koehler requested his comments on the information being required in the forms sent out, Mr. McGuire stating that they were questions which are necessary for emissions inventory per se and for assistance in an enforcement program. Mrs. Koehler inquired how other Districts deal with trade secrets and proprietary information, to which Mr. McGuire responded that State Law provides specific procedures to ensure protection of trade secrets. Mr. Powell pointed out that the District's Administrative Code provided for the treatment of trade secrets and he reviewed the requirements with respect thereto.

Dr. Lance questioned the necessity for going upstream for information, pointing out that the sources have nomitors to assure that the contaminants being emitted do not exceed the standards, to which Mr. McGuire responded that many sources do not have in-stack monitors and that the only way to determine if they are meeting the emissions standards is to conduct a source test; that if the Staff did not understand the process, it would be difficult to know whether industry is complying with the source testing procedure.

Dr. Lance inquired if industry was aware when the District was coming to make a source test to which Mr. Callaghan responded that conducting a source test involved a tremendous amount of background work and that the District did not make surprise visits on a major source; that in many cases it is necessary to obtain basic information upstream before conducting the test so that a determination can be made after the testing as to whether it is a legitimate test because at the time a source test is made a process may be run which would not indicate the average emission from that source.

The following made presentations:

Larry Coleman
Chevron U.S.A.

in comments pointed out that ARB has scheduled a public hearing on a new

regulation being proposed by the Staff specifying what information can be obtained, and how it is to be obtained and what methods will be used to protect trade secrets. He also advised that surprise source testing has been conducted at his refinery; that an engineer has access to the process change during said test. He called attention to BALIA's proposal stating that he only had an opportunity to present it to the Advisory Council after the motion to adopt the Staff's proposal was under discussion; that the proposed new §§1317.93 and 1317.94 made substantiative changes; that process materials and throughput are changed significantly several times every day at his refinery, and in most other industries which would require considerable reporting.

Mr. Cooper pointed out that he had suggested at the June 1 meeting that the Board consider providing exemptions to sources who agreed to provide upstream information, which was the basis for the BALIA proposal but that this approach was no longer needed because it is being proposed that a single permit be issued for all equipment and the concern which now needed to be addressed was as to the amount of information required.

On inquiry from Mr. Lemos, Mr. Coleman stated that under the Staff's proposal industry has to decide what is significant or major and it makes industry liable for violating that section of the regulation.

Richard S. Grey
Pillsbury, Madison & Sutro
Counsel for Chevron U.S.A.

presented a written statement dated June 15, 1977, requesting that the Board reject the Staff's proposal of June 9, 1977.

He referred to the Staff's proposal with respect to §1317.94 dated June 14, 1977, pointing out that the use of the words, "major and significant" were subjective and placed a tremendous burden on industry to interpret said language.

In discussion, on inquiry from Mr. Cooper, Mr. Grey stated that with respect to §1317.93 it would give the Staff the right to request information which industry did not believe it has the right to request; that with respect to §1317.94, it would require industry to report automatically and that this places a substantial burden on industry as to when to report; that if Staff is required to specify the information needed, industry could respond accordingly.

Mr. Chapman read §42303, pointing out it read differently than than set forth on page 8 of Mr. Grey's report, to which Mr. Grey responded that his interpretation of the word, "require" means, "request" since the sentence refers to the APCO rather than the District; that it did not contemplate an automatic reporting requirement.

Mr. McGuire advised that the ARB would be meeting in Sacramento on June 22, 1977 to consider adopting rules for certain Districts, including the BAAPCD with respect to continuous monitoring, with respect to how as well as holding a public hearing on amending the State Administrative Code ARB will

acquire data, disseminate information data, and how the trade secrets issue will be treated.

The Board recessed for lunch at 12:10 P.M. and reconvened at 12:45 P.M.

On inquiry from Mr. Lemos, Mr. Feldstein stated that it was the intent of Staff that if there are some upstream pieces of equipment that affect emissions, there will be one permit issued for the source operation and those upstream. Mr. Lemos stated he was opposed to §1317.94, stating it would not eliminate industry spending thousand of dollars supplying information to the Staff whether it was needed or not.

Mr. Cooper stated he did not feel any action taken by the Board today will be the final solution because of future ARB actions on trade secrets and the future consideration by the Advisory Council. He made a sense motion that the Board approve §1317.93 as written adding the following sentence, "if the Applicant feels that trade secrets are unreasonably being requested by the APCO, then that Applicant may appeal directly to the Board of Directors."; seconded by Mr. Kenny.

In discussion, Mr. Cooper stated he felt the matter of trade secrets would get resolved by the Advisory Council in the next few months; that if there are major problems, the Board can adopt different language to take care of them; that the Hearing Board process takes a long time and the Board did not get a full picture through that process.

Mr. Powell in responding to the motion stated he has some reservations about the Board being asked to pass upon a matter that was essentially a legal question although the Board could if it wanted. Mr. Cooper pointed out that the Section would affect several small sources in a year and that the Board should correct any problems before the small sources are so regulated. Mr. Callaghan questioned whether the sentence should be in the regulation, to which Mr. Cooper responded that he wanted it in the regulation so that industry would know it is available.

Mr. Cooper's motion carried on roll call.

AYES:	CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMONS, MCCORQUODALE, NELDER, OLIVER, POZNANOVICH, SANTANA, STEINBERG, TAMARAS, TIRSELL.
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NOES:	NONE.
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ABSENT:	BACCIOCCO.
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Mr. Cooper moved the adoption of §1317.94 dated June 9, 1977 with this additional sentence:

Change is defined as a process or fuel not used in the prior 12 months, or an input level higher than the highest level

in the past 12 months or total monthly operation hours higher than the highest level of the past 12 months.

Seconded by Mr. Kenny.

Mr. Cooper in restating his motion changed the sentence to read as follows:

Change is defined as a process or fuel not used in the prior 12 months, or an input level higher than the highest level in the prior 12 months, or total monthly operation hours higher than any month in the prior 12 months.

In discussion, Mr. Cooper pointed out that the Advisory Council will be reviewing this section; that it was important to be specific as to what industry has to do; that the Staff can advise the Board if there are any problems with it.

Mr. Oliver inquired as to the meaning of, "fuel", to which Mr. Cooper responded it was as to type but that perhaps the Staff wanted to define it further. Mr. Callaghan stated the motion made each area more definitive and that when the Technical Committee reviews permits, changes could be made.

Mr. Feldstein requested changing the word, "input" to "throughput" and it was so agreed.

After further discussion, the motion carried on roll call:

AYES:	COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, NELDER, POZNANOVICH, SANTANA, STEINBERG, TAMARAS.
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NOES:	CHAPMAN, MCCORQUODALE, OLIVER, TIRSELL.
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ABSENT:	BACCIOCCO.
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Mr. Cooper moved the adoption of Resolution No. 1019, In the Matter of Amending Regulation 2 Relating to Permits and Permits Fees, being the draft dated June 9, 1977 together with the change made in §1317.93 and §1317.94; seconded by Mrs. Leipzig.

In discussion, Mr. Koehler stated she would support the motion with the understanding that the Advisory Council will review D in §1317.3 with respect to the 0.5 T/Y sources.

The motion carried on roll call.

AYES:	CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMON, MCCORQUODALE, NELDER, OLIVER, POZNANOVICH, SANTANA, STEINBERG, TAMARAS, TIRSELL.
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NOES:	NONE.
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ABSENT:

BACCIOCCO.

Messrs. Oliver, Lemos and Tamaras left at 1:10 P.M.

PUBLIC HEARING ON AMENDING REGULATION 3, SECTION 1219
ORGANIC SOLVENTS CONTENT OF SURFACE COATINGS

Mr. Callaghan called attention to his report, Proposed Regulation 3 Amendments Regarding Compliance Date for Organic Solvent Content of Surface Coatings - Public Hearing, dated June 8, 1977, recommending that the effective date be changed to January 1, 1980.

Chairperson Nelder opened the public hearing at 1:10 P.M.

Mr. Powell furnished to the Secretary nine Affidavits of Publication of Notice of Public Hearing.

No one from the public wished to speak.

Mrs. Koehler inquired if the ARB Orgsol Committee was studying this, to which Mr. Feldstein responded in the affirmative.

Mrs. Steinberg moved the public hearing be closed; seconded by Mrs. Koehler; carried.

Mrs. Koehler moved the adoption of Resolution No. 1020, In the Matter of Amending Regulation 3 Relating to Surface Coatings Containing Organic Solvents; seconded by Mr. Kenny; carried on roll call:

AYES: CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEIPZIG,
McCORMODALE, NELDER, POZNANOVICH,
SANTANA, STEINBERG, TIRSELL.

NOES: NONE.

ABSENT: BACCIOCCO, LEMOS, OLIVER, TAMARAS.

Mr. Cooper left at 1:18 P.M.

PUBLIC HEARING ON AMENDING REGULATION 2, SECTION 1302.2 REGARDING
NOZZLE EXPIRATION DATE ON UNLEADED GASOLINE PUMPS AND MAINTENANCE
OF VAPOR RECOVERY SYSTEM

Mr. Callaghan called attention to his report, Proposed Regulation 2 Amendments Regarding Extension of Vapor Recovery Exemption for One Unleaded Fuel Nozzle and Requirement for Proper Maintenance of Vapor Recovery Systems - Public Hearing, dated June 8, 1977, recommending that the exemption be continued to June 30, 1978 and calling attention to additional provisions in §1302.2 to provide for authority to require proper maintenance of vapor recovery systems.

Mr. Santana referred to the letter from Bob Berry with respect to Simas Bros. being allowed to pump gas through the old nozzles, to which Mr. Brinkley responded that although he would have to check into the

matter, perhaps Simas Bros., came under one of the exemptions under §1302.22, which he outlined. Mr. Santana stated that he could not believe that Simas Bros. was exempt under the regulation and that inspectors should be concentrating on them rather than the small operators.

Chairperson Nelder opened the public hearing at 1:22 P.M.

Mr. Powell furnished the Secretary nine Affidavits of Publication of Notice of Public Hearing.

The following made presentations:

Terence S. Cox
Law Student
Environmental Defense Fund

presented a written statement urging the Board to make a formal finding that the primary responsibility for the exemption rests with the automobile industry, and requesting the Board communicate with the 3 named manufacturers that they have until June 30, 1978 to implement a solution to the problem.

Mrs. Koehler pointed out that the nozzle was not going to solve the problem and that the best solution was through EPA on a national level and suggested EDF work with them. Mr. Callaghan pointed out that the Staff has written to EPA with respect to the matter. Mr. Poznanovich pointed out that the Federal Government hasn't been able to do anything about the fill-pipe problem so that he didn't know how the District could.

After further discussion, Mr. Santana moved the hearing be closed; seconded by Mrs. Steinberg; carried.

Mrs. Koehler stated she could not support the Staff's proposed amendment to §1302.2 with respect to requiring proper maintenance, stating that this was piece-meal decision making by the Board and that it should have been foreseen that this would be a problem when adopting the regulation and suggested deferring that part of the proposal until a nozzle is approved by the ARB.

Mr. Felstein pointed out that the District was receiving several complaints due to poor maintenance of equipment and that such maintenance was a routine business matter.

After further discussion, Mr. Chapman moved the adoption of Resolution No. 1021, In the Matter of Amending Regulation 2 Relating to Vapor Recovery Systems; seconded by Mr. McCorquodale; carried on roll call:

AYES:	CHAPMAN, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, MCCORQUODALE, NELDER, POZMANOVICH, SANTANA, STEINBERG, TIRSELL.
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NOES:	NONE.
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ABSENT:	BACCIOCCO, COOPER, LEMOS, OLIVER, TAMARAS.
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Mr. Chapman moved that the Staff write to the three automobile manufacturers informing them of the Board's action and requesting them to comply with the District's regulation by redesigning the fill-pipes, with a copy of the letter to the EPA and ARB; seconded by Mrs. Leipzig; carried.

Mrs. Steinberg left at 1:30 P.M.

PUBLIC HEARING ON AMENDING REGULATION 2 BY ADDING SECTION 3211.2
REGARDING RIGHT OF ACCESS TO PREMISES AND INFORMATION

Mr. Callaghan called attention to his report, Proposed Amendment to Regulation 2 Concerning Right of Access to Premises and Information Request. Public Hearing, dated June 8, 1977, stating that the Board had requested industry to bring any problems with respect to right of access directly to the Board; that this matter directly affects the District and has a definite effect on its enforcement activities.

On inquiry from Mrs. Koehler as to why the Staff felt this matter should not be referred to the Advisory Council, Mr. Callaghan responded that this was a matter that directly affected the enforcement activities of the District and the Board had expressed a definite interest in it.

Mrs. Leipzig moved to continue the public hearing to July 6, 1977; seconded by Mrs. Koehler.

There was discussion on whether the matter should be referred to the Advisory Council, Dr. Cullen expressing opposition pointing out that this was a policy decision and did not involve technical considerations.

The motion carried.

BOARD REFERRALS AND ACTIONS TAKEN

The following reports were presented:

Summary of Actions Taken - Board of Directors - May 25, 1977
and June 1, 1977;

Pending Referrals from Board of Directors dated June 6, 1977
and June 7, 1977;

Board Referrals to Advisory Council dated June 7, 1977.

COMMUNICATIONS

Daniel A. McCorquodale, Secretary

The following communications were received:

Coleen D. Fisk
Antioch

concerning the Pittsburg Disposal and Industrial Tank disposal sites in Antioch, and enclosing copy of petition filed with Supervisor Hasseltine, Contra Costa County, opposing the method of operations and suggesting the criteria set by EPA be followed.

Environmental Management Ask Force

agenda for June 8, 1977.

ABAG Industrial Siting Task Force

agenda for June 10, 1977.

Bob Berry
Pill Hill Shell
Oakland

suggesting §1302.2 be dropped, and inquiring why Simas Bros. service stations are allowed to operate with old nozzle system.

R. Akenhead
Operations Officer
BAAPCD

requesting assistance in resolving the reluctance of the San Francisco Fire Department to cooperate in notifying various departments during an Emergency Episode Advisory/Alert.

Redevelopment Agency of the City of Newark

regarding Harriman Park project

R. D. Buttacavoli, Chairman
Air Resources Committee
Bay Area League of Industrial Ass'ns, Inc.

regarding amendments to Regulation 2-Permit Fees, submitting a proposal and requesting this be adopted instead of that recommended by the Staff and Advisory Council, stating the latter proposal does not address the problems discussed by the Board on June 1; that it is a restatement of existing laws; and that part of §1317.94 was not available for public comment during the public hearing.

R. F. Miller
Chief Refinery Engineer
Union Oil Company

regarding the proposed amendments to Regulation 2-Permit Fees, opposing §1317.94, stating it opens the door to deep intrusion of government in their operations, and urging that the original Advisory Council recommendation be adopted or an exemption procedure outlined by Director Cooper on June 1; and relating experiences with the Staff's interpretation of recent regulations.

F. G. Nicar
Plant Manager
Allied Chemical Company

regarding proposed amendments to Regulation 2-§3211.2 - Right of Access to Premises and Information, requesting clarification with respect to basis for inspection, need for inspection, right of inspection, provision for records and samples, and plant access.

Ed Mackay
Ed Mackay Chevron Service
Los Altos

objecting to amending Regulation 2, §1302.2 - nozzles for unleaded gasoline pumps, stating the District is simply agreeing that the nozzle creates a fire hazard and that he had protested the installation originally.

Christine M. Bell, President
Local 2821, AFSCME, AFL/CIO

requesting the Board to reconsider its position on salary and fringe benefits at the June 15, 1977, Board meeting, and attaching the proposals made at the May 25th meeting.

Marshall W. Sprigg
Exxon Company, U.S.A.

regarding proposed amendments to Regulation 2-Permit Fees, expressing concern over the excessively broad scope of the Staff's definition of "source"; supporting the Advisory Council's definition as contained in their draft dated April 14; that §1317.94 could result in unreasonable intrusion into the operations of the refinery and requesting that it be referred to the Advisory Council for further discussion.

Marshall W. Sprigg
Exxon Company, U.S.A.

regarding proposed amendments to Regulation 2, §3211.2-Right of access, expressing concern for the wide scope of information that District may request, and requesting that this be referred to the Advisory Council before taking action.

Angelo J. Siracusa
Executive Director
Bay Area Council

concerning proposed §§1317.94 and 1317.94, and recommending that §1317.93 be amended to change the effective date for submittal of a permit application by owners of 500 T/Y facilities to September 1, 1977.

F. C. Raggon
Supervisor, Glass and Furnace Tech.
General Engineering Department
Owens-Illinois'

with respect to §§1317.93 and 1317.94, urging that administrative guidelines be written into §1317.94 and as an alternative the BALIA proposal be considered.

F. C. Raggon
Supervisor, Glass and Furnace Tech.
General Engineering Department
Owens-Illinois

regarding proposed amendments to Regulation 2, §3211.2 - Right of Access to Premises and Information, expressing concern about the broad scope of the proposed amendment and suggesting certain changes so that the rights of the Owner are protected, and requesting that the matter be referred to the Advisory Council for review.

OTHER

Mr. Callaghan requested that approval be given for the return of the following filing fees as requested by the Hearing Board:

General Motors Corporation -\$500 - Request for review withdrawn.

Urich Oil Company - \$46.72 - Application for Extension withdrawn.

Exxon - \$500 - Application withdrawn.

Mr. Doetsch moved that the money be returned; seconded by Mrs. Koehler; carried.

EXECUTIVE SESSION WITH DESIGNATED REPRESENTATIVES, PURSUANT TO GOVERNMENT CODE SECTION 54957.6 TO REVIEW BOARD'S POSITION AND INSTRUCT ITS DESIGNATED REPRESENTATIVES RELATIVE TO CONSULTATIONS AND DISCUSSIONS WITH REPRESENTATIVES OF EMPLOYEE ORGANIZATION

The Board went into Executive Session at 1:46 P.M.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, June 29, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 2:05 P.M.

Respectfully submitted,

Mabel Harder,
Secretary

MH:se

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1977

BOARD OF DIRECTORS

UNIVERSITY OF CALIFORNIA

SPECIAL MEETING

939 Ellis Street
San Francisco,
California 94109

Wednesday
June 29, 1977
10:00 A.M.

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Sam Chapman, Ralph P. Doetsch, Sr.,
James P. Kenny, Ruth Koehler,
Elwon Lance, Marguerite Leipzig,
James Lemos, Daniel A. McCorquodale,
Alfred J. Nelder, Richard Oliver,
Gerald M. Poznanovich, Charles Santana,
Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT:

Fred F. Cooper, Stuart C. Cullen,
Geraldine F. Steinberg.

ADVISORY COUNCIL MEMBERS
PRESENT:

Robert J. Debs, William B. McCormick.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Thomas F. Brennan, Warren R. Crouse,
Milton Feldstein, Richard W. Grieves,
Dario Levaggi, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Douglas Winget, Mabel Harder.

Chairperson Welder called the meeting to order at 10:15 A.M.

APPROVAL OF MINUTES OF JUNE 15, 1977

On motion of Mr. Lemos; seconded by Mr. Doetsch; carried.

REPORT ON STATUS OF MEMORANDUM OF UNDERSTANDING
FOR 1977-78

Mr. Callaghan advised that the BAAPCD Employees' Association voted to accept the Memorandum of Understanding on the following vote:
37 Yes; 28 Noes; 3 abstentions.

REPORT OF BUDGET AND FINANCE COMMITTEE
Marguerite Leipzig, Chairperson

Mrs. Leipzig reviewed her report, Recommendations on 1977-78 Budget, dated June 22, 1977.

In discussion, on inquiry from Dr. Lance, Mr. Callaghan advised that the additional \$28,500 from EPA was earmarked as a cost-of-increase for operating the District.

PUBLIC HEARING ON ADOPTION OF 1977-78 FISCAL YEAR BUDGET

Mr. Powell furnished the Secretary nine Affidavits of Publication of Notice to Taxpayers.

Chairperson Welder opened the public hearing at 10:22 A.M. The following made presentations:

Christine M. Bell, President
Local 2821, AFSCME, AFL/CIO
BAAPCD Employee Association

advised that the Legislature had added about 1/3 additional funding for the State Subvention Program, which the ARB has supported; that as a result, the District could receive an additional \$400,000 from the ARB if the Governor signs the Bill. She pointed out that during the Budget review both the Personnel Committee and Budget and Finance Committee recommended that the salary and reclassification survey be completed as soon as possible and that its recommendations be implemented at the earliest date if funds were available; that the Union joined with the Committees in requesting that the Board direct the Staff to undertake the survey as soon as possible, and urged that the Board express its intent to use the money from the ARB when it becomes available to implement the recommendations therefrom.

In discussion of the request, Mr. Callaghan pointed out that the Governor has until July 7 to revise the Budget; that \$1,700,000 additional was in the budget for Subvention funds; that although the Staff has had preliminary discussion with the ARB with respect thereto, there was no

assurance that the funds would not be earmarked for specific programs; that if the funds go into the general operations of the District, the Staff would have a recommendation at that time.

Mr. McCorquodale pointed out that since both the Management and Union support a reclassification and salary survey, he felt the Board should give reasonably high priority to the implementation thereof; that employees should not be required to do their job if they are not compensated for it.

Dr. Lance urged that the Board carefully consider the use of the funds so that said use is not perpetuated yearly.

Mrs. Leipzig stated she felt the Board was premature in discussing the use of the funds; that it was the recommendation of the Budget and Finance Committee that once the survey was completed the Committee would discuss the availability of funds for its implementation.

Mrs. Leipzig moved the public hearing be closed at 10:35 A.M.; seconded by Mr. Doetsch; carried.

Mr. Oliver moved the adoption of the following Resolutions; seconded by Mr. Lemos:

No. 1022, In the Matter of Authorizing Transfer of Funds to Provide for Expenses of the District.

No. 1023, In the Matter of Transferring Funds from Permanent Salaries to a Reserve for Adjustments for Prior Years.

No. 1024, In the Matter of Providing for the Continuance of the General Reserve from Year to Year.

No. 1025, In the Matter of Transferring Funds from the Unencumbered Balance of Appropriations to Fund Balance-Available.

No. 1026, In the Matter of Approving a Memorandum of Understanding and Providing Fringe Benefits.

No. 1027, In the Matter of Amending the Salary Ranges of District Employees.

No. 1028, In the Matter of Approving the Budget for the Bay Area Air Pollution Control District for the Fiscal Year Ending June 30, 1978 (1977-78).

No. 1029, In the Matter of Informing the Constituent Counties of the Bay Area Air Pollution Control District of Financial Contributions, Pursuant to Health and Safety Code Section 40271, for the Fiscal Year Ending June 30, 1978.

Carried on roll call:

AYES: BACCIOCCO, CHAPMAN, DOETSCH, KENNY,
KOEHLER, LANCE, LEIPZIG, LEMOS,
McCORQUODALE, NELDER, OLIVER,
SANTANA, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: COOPER, CULLEN, POZNANOVICH,
STEINBERG.

Mrs. Koehler requested that the Staff report at the next meeting the work the District is committed to perform for State and Federal agencies during the next fiscal year in connection with the Subvention funds and grants.

Mr. Callaghan advised that an agenda item for the July 6 meeting was the approval of the 1977-78 EPA Grant; that because the District did not have an allocation of funds from the ARB, it was not known at this time what would be required.

Mr. McCorquodale referred to the General Reserve, stating that it appeared the District was using \$1 MM therefrom each month, thus indicating that in a three month period the District was using \$3 MM from the Account when only \$1,252,000 was in it, that he did not feel the Reserve should be so high, and pointed to the experience with BASSA. Mr. Monaghan responded that as revenues are received the, General Reserve is reimbursed.

Mr. Poznanovich arrived at 10:40 A.M.

Mr. Callaghan advised that the Board several years ago established the General Reserve for use during the dry periods; that it had remained the same in the past couple of years; that the District receives its funds from the Counties in January-February and May-June; that during the 1976-77 Fiscal Year all but \$17,000 was used; that if the General Reserve was not kept at its present level, the District would have to borrow money during the dry periods which was an additional cost.

Mr. McCorquodale requested that Mr. Monaghan furnished him a copy of the Auditors Report.

Mrs. Koehler called attention to the Controller's Monthly Report, and inquired why \$1 MM was taken out of the General Reserve the first month of the year, to which Mr. Monaghan responded that he assumed his staff felt that such an amount was necessary during that month since bills had to be paid from the prior fiscal year.

After further discussion on the General Reserve, Ms. Tirsell suggested the Staff prepare a report on the cash flow of the District; Dr. Lance requesting that it include the income and expenditures by month. Mrs. Koehler suggested the report be referred to the Budget and Finance Committee, and Chairperson Nelder so ordered.

BOARD REFERRALS AND ACTIONS TAKEN REPORTS

Mr. McCorquodale moved that the Pending Referrals from Board of Directors dated June 20, 1977 be referred to the Executive Committee; seconded by Mr. Kenny; carried.

Ms. Tirsell referred to the Referrals to the Advisory Council pointing out that this involved a staggering amount of work for them to accomplish and make recommendation to the Board in a timely manner.

Dr. Lance inquired as to the role of the Advisory Council, and as to the basis on which it changed its recommendation with respect to the proposed amendments to Regulation 2 on the Permit Fees at the June 15 meeting; that if it were a political decision rather than one based on facts, he did not want to receive their recommendations.

William B. McCormick
Advisory Council

in comments as to the Council's role stated it could advise the Board and Staff on any matter, pointing out the Board reserved policy decisions to itself; that the Council attempted to base its recommendations on facts.

Mr. Callaghan pointed out that the purpose of the Council was set forth in the Law, in the Administrative Code and in a document prepared by the Council itself. Dr. Lance requested that Mr. Callaghan furnish him said documents, stating that he would weigh the Council's recommendations differently depending on whether they came from persons with engineering expertise, or from those without technical knowledge; that a review of the categories would indicate a lack of technical expertise.

Ms. Tirsell suggested the Board review carefully the matters which had been referred to the Council, pointing out that the Board could be requesting so many recommendations that matters would have to be acted upon before input could be received from the Council given their meeting schedule; that she did not feel dispersals should be cast on the Council, pointing out they were appointed by the Board of Directors.

COMMUNICATIONS

Daniel A. McCorquodale, Secretary

The following communications were received.

W. E. Vernon
San Rafael

Expressing concern that the Board approved 9 members of the Advisory Council attendance at the APCA meeting in Toronto.

Shully L. Miller
El Cerrito

requesting the Board be responsible in setting the 1977-78 budget, and that it keep expenses at a minimum.

Richard W. Turnlund, Executive Director
Redevelopment Agency of the City of Newark
Notice of public hearing on July 28, 1977, regarding proposed
Redevelopment Plan for Project Area #1 (Harriman Park).

R. F. Miller
Chief Refinery Engineer
Union Oil Company of California

concerned with proposed amendments to Regulation 2, §3211.2, Right
of Access to Premises and Information, with respect to authority
to be given to Inspectors, and attaching a legal opinion with respect
thereto; and requesting Staff explanation to various questions.

- - -
Chairperson Nelder advised that the Nominating Committee had met prior
the Board meeting comprised of Directors Bacciocco, Doetsch, Nelder and
Oliver; that it will be placing in nomination on July 6, 1977, the
following for 1977-78 Officers: Director Chapman, Chairperson;
Director McCorquodale, Vice Chairperson; Director Oliver, Secretary.

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, July 6, 1977, 939 Ellis Street, San Francisco,
California.

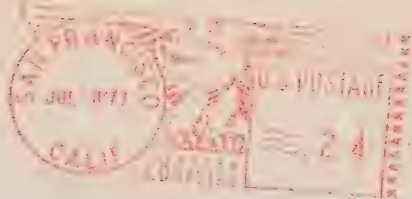
On motion of Mr. Santana; seconded by Mr. McCorquodale; the meeting
adjourned at 11:10 A.M.

Respectfully submitted,

Mabel Harder
Secretary

MH:se

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JULY 8 1977

BOARD OF DIRECTORS

REGULAR MEETING

UNIVERSITY OF CALIFORNIA

Wednesday
July 6, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr., Sam Chapman,
Fred F. Cooper, Stuart C. Cullen,
Ralph P. Doetsch, Sr., James P. Kenny,
Ruth Koehler, Elwon Lance, Marguerite
Leipzig, James Lemos, Daniel A.
McCorquodale, Alfred J. Nelder,
Richard Oliver, Geraldine Steinberg,
Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT:

Gerald M. Poznanovich, Charles Santana.

ADVISORY COUNCIL MEMBERS
PRESENT:

Robert J. Debs, Walter Toney.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Warren R. Crouse,
Milton Feldstein, Richard W. Grieves,
Dario Levaggi, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Mabel Harder.

- - -

Chairperson Nelder called the meeting to order at 10:12 A.M.

APPROVAL OF MINUTES OF JUNE 29, 1977

Deferred approval until July 20, 1977.

REPORT OF NOMINATING COMMITTEE AND SELECTION OF NEW OFFICERS
FOR 1977-78

Alfred J. Nelder, Chairperson

Chairperson Nelder reported that the Committee met on June 29, comprised of Directors Bacciocco, Doetsch, Nelder and Oliver and offered in nomination the following:

Sam Chapman, Chairperson
Daniel A. McCorquodale, Vice Chairperson
Richard Oliver, Secretary

Mr. Cooper arrived at 10:15 A.M.

Dr. Cullen moved the Board adopt the Committee's recommendations, seconded by Mrs. Koehler; carried.

Several Directors commended Director Nelder for his fine Chairmanship during the past year and a gavel was presented to him in appreciation.

Mr. Tamaras arrived at 10:17 A.M.

REPORT OF ADVISORY COUNCIL LIAISON
Stuart C. Cullen

Director Cullen had no report.

APPROVAL OF EPA GRANT FOR 1977-78

Mr. Callaghan called attention to his report, EPA Grant Fiscal Year 1978 dated June 28, 1977. He advised that the Governor had deleted from the budget the \$1,700,000 additional Subvention funds recommended by the Legislature; therefore the District would not be receiving any additional funds.

In discussion, Mrs. Koehler inquired as to the base objectives required by EPA, to which Mr. Feldstein advised that these include a lead regulation; that if EPA doesn't approve the District's current regulation it would have to be amended; the development of a non-deterioration regulation when such is developed by the ARB; a regulation on fugitive dust - the District presently controls this by its Opacity requirements but that if EPA doesn't approve it, the Staff will be proposing another regulation; that the Staff would be proposing 5-6 items for regulatory change. Mrs. Koehler requested she be provided the list of regulatory changes the Staff will be proposing, pointing out that one of the requirements of AQMP is that as of January 1978 the Board must develop a continuing planning process for air quality maintenance within a time-frame and that by April 1978 the Board has a certain time-frame in which to adopt it.

On inquiry from Mr. Chapman, Mr. Feldstein stated that it was agreed with EPA that the Staff could not commit the Board to adopting regulations, but that the Staff is bound to propose to the Board whatever is recommended by EMTF.

Mr. Cooper inquired if more stringent regulations were being required for the Bay Area than for other parts of the Country, to which Mr. Feldstein responded in the negative, stating similar objectives were being proposed for the Los Angeles Basin; that although there had been differences in the interpretation of the Clean Air Act in the southern part of the United States, said interpretation had been tightened and that EPA is now reviewing all permits which have been granted in Texas in the past 12-16 months to determine if they meet the New Source Rule.

Mr. Cooper requested the Staff to check the ARB Air Conservation Program and determine the areas within the Bay Area which would be designated as Clean Air Areas, and specifically determine whether the South San Francisco Bay Wildlife Refuge is included and advise the Board, and Chairperson Chapman so ordered.

Dr. Cullen inquired if the objectives as contained in the grant were incorporated in the District's Goals and Objectives, to which Mr. Callaghan responded that they could be so incorporated.

Mr. McCorquodale inquired if there were a Work Program setting forth for each quarter the programs which the District had to accomplish for EPA and ARB, to which Mr. Callaghan responded that the budget included the Work Program and that there were certain time schedules in which to report to EPA and ARB; that some programs are done on a yearly basis. He pointed out that the workload changes after each Board meeting. Mr. McCorquodale stated he felt there should be a schedule setting forth the time-frame in which programs are to be accomplished so that the Board would be in a position to make a judgment on whether or not the time schedules were being met. Mr. Feldstein pointed out that the dates for accomplishment of the programs are listed in the Grant and that when the ARB objectives are determined specific target dates will be assigned to them also; that there is a work program with target dates for providing EIS data to ARB which the Engineering Section must meet.

After further discussion, Mr. Callaghan stated the Staff would provide a report on those items which are required by EPA on a monthly and quarterly basis; and also by ARB when available. Mrs. Koehler suggested that said report be referred to the Executive Committee and Chairperson Chapman so ordered.

Mr. Tamaras suggested sending a letter to the Governor expressing disappointment that he deleted the additional Subvention funds proposed by the State Legislature. Chairperson Chapman requested the Staff to prepare such a letter for his signature, sending copies to Assemblyperson Calvo and those persons on key Assembly and Senate Committees.

Mrs. Koehler moved the adoption of Resolution No. 1030, In the Matter of Authorizing the Air Pollution Control Officer to Apply for a Grant from the U.S. Environmental Protection Agency; seconded by Mrs. Steinberg; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN,
DOETSCH, KENNY, KOEHLER, LANCE,
LEIPZIG, LEMOS, McCORQUODALE, NELDER,
OLIVER, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: POZNANOVICH, SANTANA.

PUBLIC HEARING TO AMEND REGULATION 2 BY ADDING SECTION 3211.2
REGARDING RIGHT OF ACCESS TO PREMISES AND INFORMATION

Director Chapman opened the public hearing at 10:50 A.M.

Mr. Powell furnished the Secretary Nine Affidavits of Publication of Notice of Public Hearing with respect thereto.

Mr. Callaghan called attention to his report, Proposed Amendment to Regulation 2 Concerning Right of Access to Premises and Information Request. Public Hearing - dated June 8, 1977, stating the basis for the Staff's request was because of a change in the Law two years ago.

Mr. Feldstein in reviewing the proposal pointed out that these were the same requirements which the District had been operating under for the past 15 years: that the District has had very little problems with 99.9% of the Sources but that there were some problems with a small number of industries and for this reason the Staff was requesting that the requirements be part of the District's regulatory language. He read the proposed amendment, and reviewed the report attached thereto.

Mr. Feldstein commented on some of the points raised in letters received from several industrial sources, specifically referring to the Allied Chemical Company letter stating that the only way the District can determine a violation with respect to hydrocarbon and grain loading emissions is to conduct a source test; that with respect to Owens-Illinois' suggestion that the Staff identify every piece of information it wants, that although this would be ideal, the Staff was dealing with thousands of different industries and the kinds of information wanted may vary depending on the nature of the process.

Mr. Feldstein stated that with respect to industries concern on trade secrets, the Staff would be willing to insert in the regulation the same language which was adopted by the Board in connection with permit fees.

Mr. Feldstein in responding to the question on financial responsibility for sampling platforms, stated §3210 provides that the person responsible for air contaminants is to so provide.

Mr. Brinkley illustrated what would happen in the enforcement process if the District were not given authority to seek the information, advising that early in 1977 an Inspector was refused access to certain

process charts by a major industrial complex unless it specifically received such request in writing. He pointed out that this authority is granted to the APCO under the existing regulation but that if information is submitted 10 days later it is of no use in determining the problem. He cited other examples of Inspectors being denied right of access including an upset/breakdown situation, a matter involving the by-passing of certain air pollution control units, an excessive plume condition, the reading of a plume, a GLM violation on H₂S and during a reinspection program. Mr. Brinkley pointed out that it is necessary in processing a violation notice to prove intent or negligence and that if an inspector's right to access and information is denied, the evaluation of the condition is impeded.

In discussion, Mr. Lemos pointed out that the regulation requires information to be provided within 10 days, to which Mr. Brinkley responded that charts must be dated and timed at the time of the occurrence otherwise they are useless to the District; that most recording instruments are in the control room to which the Inspector is denied, therefore the charts must be brought out. Mr. Powell pointed out that the proposed regulation would require that the Inspector be given access to the material immediately and that any information to be provided shall be furnished within 10 days.

Mr. Cooper inquired as to why the proposed amendments had not been referred to the Advisory Council, pointing out that many of the areas of concern outlined by Mr. Feldstein were technical in nature, specifically that part of the regulation referring to plans and specifications.

Mr. Callaghan referred to the Minutes of one of the Flynn hearings in which the then Chairperson Jelavich expressed concern that an Inspector had been denied right of entry and requested that he be notified immediately if this occurred again, stating this indicated that the Board was deeply concerned about the matter.

Dr. Lance pointed out that when the public hearing was set, it was decided not to refer the matter to the Advisory Council but that after reviewing the information sent to him on the function and purpose of the Council it was apparent the Board could refer any matter it wanted to them.

Mr. Cooper moved to refer the matter to the Advisory Council; seconded by Dr. Lance.

In discussion, Ms. Tirsell pointed out that a majority of the Board had voted not to send the matter to the Council; Dr. Cullen stated that in anticipation of this delaying tactic he had raised the issue two meetings ago as to whether or not the matter should be referred to the Advisory Council and there was no indication that there was a need to so refer. Mr. Callaghan stated there was no deadline for adopting the regulation but that this was a continuing problem in enforcement.

After further discussion, Mr. Cooper withdrew his motion until the public had an opportunity to speak.

On inquiry from Mrs. Koehler as to whether the District has ever used the subpoena process, Mr. Brinkley responded in the negative stating the Staff concern is for immediate access. On inquiry from Mrs. Koehler as to how long it would take to obtain such a warrant, Mr. Powell responded that he felt in general there would be reluctance on the part of industry for the District to seek an inspection warrant but that it would have to be sought from a judge on an affidavit, taking at least a day or two.

On inquiry from Mr. Lemos as to whether the Staff considered §41510 its authority for right of entry, to which Mr. Powell responded in the affirmative stating that it was the basic statutory requirement and the proposed regulation would be a corollary to it.

On inquiry from Mr. Doetsch, Mr. Brinkley stated visible or invisible emissions are involved in the right of entry; that the time needed to correct a problem depends on the type of problem.

Mr. Cooper pointed out that State Law now permits the District right of entry and that he did not feel a District regulation would make any difference. Mr. Brinkley pointed out that if the District had a regulation and an Inspector were refused access a violation notice could be issued.

On inquiry from Dr. Lance as to the number of refusals received in the past year, Mr. Brinkley responded 15-20. Dr. Lance requested a list of industries who have refused the District entry the past fiscal year and the reasons therefore; and Chairperson Chapman so ordered.

The following made presentations:

Eveleth E. Hayden
BALIA

in comments stated that right of entry has always been of concern, specifically referring to a past incident with respect to the Lloyd A. Roofing Company; he called attention to BALIA's proposed amendment to Regulation 2.

Mr. Cooper stated he was opposed to an Inspector having the right to review plans and specifications and suggested the Advisory Council review both the Staff and BALIA's proposed amendments, and he so moved; seconded by Dr. Lance; failed on roll call:

AYES: COOPER, DOETSCH, KENNY, LANCE,
LEIPZIG, LEMOS, TAMARAS.

NOES: BACCIOCCO, CHAPMAN, CULLEN, KOEHLER,
McCORMODALE, NELDER, OLIVER, STEINBERG,
TIRSELL.

ABSENT: POZNANOVICH, SANTANA.

Maxwell Taplin
Pacific Steel Casting Company

presented a written statement opposing the proposed amendment.

Directors Koehler, Leipzig, Nelder and Tamaras left at 11:55 A.M.

Dr. Bacciocco stated he understood industry's apprehension with respect to trade secrets and suggested the Staff provide a report on its proposed methods of safeguarding them, and Chairperson Chapman so ordered.

Directors Bacciocco and Cooper left at 12:05 P.M.

Mrs. Steinberg requested the Staff's response to BALIA's proposed amendment, Mr. Feldstein responding that the Staff had not had an opportunity to review the proposal in depth but there was some doubt as to whether this would limit an Inspector and how the records are to be maintained; that the Staff would review the proposal more thoroughly.

Nick Arguimbau
Sierra Club

presented a written statement supporting the proposed amendment with several modifications. He also attached a brief filed by the Sierra Club and others in support of the Government's power to engage in inspection for workers safety before the United States Supreme Court.

The following communications were received with respect to the public hearing.

C. E. Frizzell
IBM
San Jose

Donald R. Ness, Chairman
Environmental Action Committee
Peninsula Manufacturers Association

R. W. Davis
General Manager
Chevron U. S. A. Inc.

F. G. Nicar
Plant Manager
Allied Chemical Company

F. C. Raggon
Supervisor, Glass & Furnace Technology
General Engineering Department
Owens-Illinois

R. F. Miller
Chief Refinery Engineer
Union Oil Company of California

Mr. Doetsch suggested the Staff meet with industry, Sierra Club and others with respect to the proposed amendment prior to the next Board meeting to determine if a compromise can be reached in the matter, and Chairperson Chapman so ordered.

Ms. Tirrell moved that the public hearing be continued to July 27, 1977; seconded by Mr. Lemos; carried. Chairperson Chapman requested the matter be the first item on the agenda.

REPORT OF AIR POLLUTION CONTROL OFFICER
D. J. Callaghan

1. Legislation

Mr. Callaghan called attention to his report, Status Report on Legislation 1977-78 Legislative Session, dated June 28, 1977, stating he would make a further report on July 20.

2. Division Monthly Reports

The following reports were presented:

Director of Enforcement Monthly Activity Report for June 1977, dated June 23, 1977;
Director of Technical Services Monthly Activity Report, May 19 through June 21, 1977, dated June 24, 1977;
Director of Engineering Services Monthly Activity Report May 21, 1977 to June 20, 1977, dated June 21, 1977;
Director of Public Information Monthly Activity Report - May 26, 1977 - June 24, 1977, dated June 28, 1977;
Status of Legal Matters - May 20, 1977 - June 22, 1977, dated June 22, 1977;
Controller's Appropriation Statement and Cash Position, dated May 31, 1977.

BOARD REFERRALS AND ACTIONS TAKEN REPORTS

The following reports were presented:

Summary of Actions Taken, Board of Directors June 29, 1977;
Pending Referrals and Board of Directors dated July 1, 1977.

COMMUNICATIONS
Richard Oliver, Secretary

The following communications were presented.

EMTF

Agenda for June 29, 1977 meeting

Bill Press, Director
Office of Planning and Research
Governor's Office

Overview of the Coastal Energy Impact Program in California.

C. E. Frizzell
Vice President, Manufacturing
IBM
San Jose

Expressing concern on the proposed amendments to Regulation 2, Section 3211.2 with respect to the wide scope of information the District may request under the proposed Regulation, and illustrating reasons therefore; and urging that thoughtful consideration be given to the effects on industry which the proposed amendments would have.

Bay Area League of Industrial Ass'ns Inc.

Submitting Proposed Amendment to Regulation 2.

Donald R. Ness, Chairman
Environmental Action Committee
Peninsula Manufacturers Association

Expressing concern on the proposed amendments to Regulation 2, §3211.2 regarding right of access to premises and information, stating it would give the APCO unlimited access to highly proprietary records and trade secrets; and recommending that the amendment be referred to the Advisory Council.

ABAG Industrial Siting Task Force

agenda for July 8, 1977 meeting

OTHER

Mr. Callaghan requested that a \$500 filing fee be returned to Fibreboard Corporation as requested by the Hearing Board. Mr. Doetsch so moved; seconded by Kenny; carried.

Mr. Callaghan requested authorization for Mr. John Phillips to travel to Chicago, Illinois July 19-20 to attend an EPA Stationary Source Enforcement Workshop. Dr. Lance so moved; seconded by Mr. Kenny; carried.

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, July 20, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:15 P.M.

Respectfully submitted,

Mabel Harder
Secretary

MH:se

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BOARD OF DIRECTORS
REGULAR MEETING

UNIVERSITY OF CALIFORNIA

Wednesday,
July 20, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, James P. Kenny,
Ruth Koehler, Elwon Lance, James
Lemos, Daniel A. McCorquodale,
Alfred J. Nelder, Richard Oliver,
Gerald M. Poznanovich, Charles
Santana, Geraldine Steinberg,
Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT:

Edward J. Bacciocco, Jr., Ralph P.
Doetsch, Sr., Marguerite Leipzig,

HEARING BOARD MEMBER PRESENT:

Theodore K. Cleveland.

ADVISORY COUNCIL MEMBERS
PRESENT.

Robert J. Debs, John L. Nicholson, M.D.

STAFF MEMBERS PRESENT.

D. J. Callaghan, Thomas F. Bell,
Paul Brand, Hulan F. Brinkley,
Warren R. Crouse, Milton Feldstein,
Dario Levaggi, Donald A. Monaghan,
John F. Powell, Mabel Harder.

- - -

Chairperson Chapman called the meeting to order at 10:15 A.M.

APPROVAL OF MINUTES OF JUNE 29 AND JULY 6, 1977

On motion of Mr. Kenny; seconded by Mrs. Koehler; carried.

REPORT - EXECUTIVE COMMITTEE
Sam Chapman, Chairperson

Chairperson Chapman advised that the Executive Committee met prior to the Board meeting and received a report from the District's Legislative Advocate, Gerald Desmond; that the Committee discussed a procedure for expediting the process of reviewing Referrals from the Board and Executive Committee and agreed that the Chairperson will review the Referrals with Mr. Callaghan; submit to the Committee a list of those which need to be deleted; and subsequently so delete if there are no objections from the Committee members.

Chairperson Chapman outlined the Referral procedure, stating that an item will be considered a Referral if a majority of the Board or the Chairperson so designates; that if an individual Director wishes information he will be responsible for obtaining it from the Staff; that if the matter is for the entire Board, the request should go through the Chairperson.

Chairperson Chapman stated the Committee received a report from Mr. Powell on violation notice settlements; and discussed a proposal by Mr. McCorquodale to rotate the Board meetings throughout the nine Counties. Mr. McCorquodale outlined his proposal thereon as contained in his letter to the Board dated May 26, 1977, after which he moved that the matter be referred to the Staff and specifically to the Public Information Officer to develop a program and report back to the Board of Directors for final approval; seconded by Mrs. Koehler.

Mr. Cooper arrived at 10:17 A.M.

In discussion, Mrs. Koehler suggested that the agenda should include items of interest to the County in which the meeting is being held, and in implementing the suggestion, the Executive Committee should determine priorities as to whether Board time should be spent on the recodification and development of regulations for EPA and ARB, or this matter.

Chairperson Chapman stated that an 18-month time period would be used for these meetings and that it is proposed the Agenda would contain the transaction of routine business. Mr. Nelder also pointed out that the Committee discussed holding these meetings in the evening.

After further discussion, the motion carried.

Chairperson Chapman advised that the Committee also discussed the Governor's fifth appointment to the ARB and that he had advised of his discussion with Mrs. Mary Nichols, Vice Chairperson of the ARB last week

in which she advised that it is a designated appointment of automotive engineer and that efforts have been made to find one who does not have a conflict of interest. He stated the Committee had continued the matter to determine if any Director knows of an automotive engineer who could be recommended for such appointment, and if so he should advise the Committee.

There was discussion on whether the Law required these be no conflict of interest, after which Mr. Cooper moved that the Board request through the ARB whether the appointment has to be an automotive engineer who does not have a conflict of interest; seconded by Mr. Kenny; failed on roll call:

AYES: COOPER, KENNY, LEMOS, NELDER,
SANTANA, TAMARAS.

NOES: CHAPMAN, CULLEN, KOEHLER,
MCCORQUODALE, OLIVER, POZNANOVICH,
STEINBERG, TIRSELL.

ABSENT: BACCIOCCO, DOETSCH, LANCE, LEIPZIG.

REPORT OF THE ENVIRONMENTAL MANAGEMENT TASK FORCE
Sam Chapman

Chairperson Chapman reported that the main subject of discussion at the last EMTF meeting was the Peripheral Canal and Governor Brown's compromise; that EMTF took a position against the compromise as it stands, in favor of standards being developed for outflow of canals into the Bay.

HEARING BOARD QUARTERLY REPORT
Theodore K. Cleveland

Dr. Cleveland presented the Hearing Board Quarterly Report as of July 1, 1977, dated July 5, 1977 and briefly reviewed it, pointing out that there were 11 variances in effect as compared to 13 for the previous quarter.

Dr. Lance arrived at 10:31 A.M.

Mrs. Koehler questioned the necessity for the Board to receive a copy of each Hearing Board calendar after which Directors Kenny and Lance expressed an interest in so receiving.

REPORT ON DISTRICT ANALYSIS OF AQMP STRATEGIES FOR AIR POLLUTION CONTROL

Mr. Feldstein reviewed the report, Review of AQMP Brief #2, dated July 14, 1977. He called attention to Table 4 in the AQMP Brief, and reviewed the proposals under each of the four control strategies, pointing out it needs to be determined what effect on air quality each of the strategies or a combination thereof will have, and that the LIARAC model will assist EMTF in making such a determination. On inquiry from Ms. Tirsell, Mr. Feldstein stated the model was designed to be used as a regional model and that within the next 2-3 weeks,

sensitivity runs will be made, the information from which will be used to determine the impact on air quality under the various proposed strategies; that the model will do further runs on a narrower list of strategies and a final report made as to combinations of strategies, the cost and requirements to be met; that the plan will have to be adopted by EMTF, after which there will be discussion on the implementation thereof. He pointed out that if EMTF recommends some stationary source controls these will be brought to the Board who will determine after public hearing whether it wanted to adopt the strategies. He pointed out that implementing plans on transportation controls, land use controls and automobile exhaust controls would be more difficult.

Mr. Feldstein stated that the Plan Implementation Committee suggested that the matter of alternate methods of financing air pollution control should be brought before the Board for consideration. He pointed out that the SouthCoast Air Quality Maintenance District was authorized to seek alternate methods of financing to reduce property tax and as a result adopted an emissions tax. He stated that ABAG proposed that it do such a financing study for the Bay Area; that the District Staff has indicated that if a study on alternate methods of financing is to be done, it should be done by the District.

In discussion, Mr. Cooper inquired if future technology will be taken into consideration when developing the strategies, to which Mr. Feldstein responded that although future technology has not been addressed by the Joint Technical Task Force other than Best Available Technology, the model has the capability of looking at the impact of future technology.

In discussion of this inquiry, Mrs. Koehler pointed out that ABAG presented a future technology survey at the Clean Air Conference last week which included that pertaining to the solvent industry.

In discussion of the alternate methods of financing, Mr. Chapman stated he felt that the District should review this with the thought of relieving the property tax burden; that ABAG is going to investigate this also, and that he would refer all the information received from the SouthCoast District to the Staff for review.

Mr. Cooper stated that if alternate methods of financing is developed, consideration should be given to using some of the funds for research, such as on solvents and best available technology. Mr. Callaghan stated that the funds could be utilized in any area the Board deems necessary, and suggested the Staff prepare a report for the Board as to whether this type of financing can be done legally and if not, what would be necessary to make it so, as well as determining other alternatives; that these areas should be studied by the District and not ABAG.

Mrs. Koehler stated that when the ABAG staff made its presentation to the Plan Implementation Committee it was their recommendation that the District Staff study the matter and not ABAG.

Alvin James
Staff Member, Joint Technical Staff
ABAG

in comments confirmed that it was the intent of the ABAG staff when bringing the proposal before the Committee that the District Staff do the study and that the ABAG staff would try to complement that effort in providing any information it could.

Mr. Callaghan stated the information which the District Staff had was that the ABAG staff proposed that it do such a study and he referred to Mr. James' report to the Plan Implementation Committee dated July 6, 1977 in which he recommended that the Staff be authorized to investigate the concept of an emissions fee for the Bay Area to support air quality planning and regulation. Mrs. Koehler stated that the motion passed by the Plan Implementation Committee was that the Joint Technical Staff be so authorized, pointing out that this includes the District Staff.

After further discussion, Mr. Cooper moved that the Board direct the District Staff to study alternate methods of financing and cooperate with ABAG to the extent it seems appropriate, and include the possibility of using the funds for research on the technology as well as the indicated reasons; seconded by Mrs. Koehler.

In discussion, Mr. Chapman stated that after the new sources of revenue are determined, the use thereof could be determined. Mr. Cooper stated he wanted to know whether the District could legally get into research pointing out it might be desirable to research some areas considered to be inadequate in conjunction with the ARB and the South Coast District. Mr. Chapman suggested that the District do whatever it could to influence EPA to fund such research.

Mrs. Koehler suggested that the study also include institutional things and legal ramifications, pointing out that the capability of measuring precisely what is being emitted could be rather expensive and that the study should address this aspect also.

The motion carried.

Chairperson Chapman requested the Staff to report back to the Board after the study has been completed.

LEGISLATIVE REPORT
D. J. Callaghan

Mr. Callaghan read the wording of the Governor's veto of the additional Subvention funds included by the Legislature, stating the reasons for so deleting were based on the supplemental report by the Committee on Conference requesting that the issue of the division of responsibility between ARB and local APCDs be studied, and therefore it would be inappropriate to increase State financing assistance before the results of that study is known. Mr. Callaghan stated he knew of no

such study and was not familiar with said Committee.

Mr. Callaghan called attention to his report, Status Report on Legislation-1977-78 Legislative Session, dated June 28, 1977 and briefly reviewed the following bills.

AB-471 (Calvo)

SB-183 (Nejedly)

AB-884 (McCarthy, et al)

Assembly Concurrent Resolution No. 20 (Calvo)

SB-793 (Russell)

SB-153 (Dunlap, et al)

AB-724 (Sieroty, et al) - does not distinguish between "source" and "facility"; that the District considers a "person" as a total facility; increases penalties for both civil and criminal prosecution; would require 2/3 vote and thus there has been discussion on separating the two penalties.

There was discussion on the Board taking a position on AB-724, after which the Staff was requested to determine the status of the Bill; agendize the matter for the meeting of July 27, 1977, at which time the Staff should advise the Board any comments it should make thereon as well as specific instances where the Staff feels the need for the District to have additional fining powers.

BOARD REFERRALS AND ACTIONS TAKEN REPORTS

The following reports were presented: Pending Referrals from Board of Directors dated July 11, 1977; Summary of Actions Taken - Board of Directors July 6, 1977, dated July 11, 1977.

COMMUNICATIONS

Richard Oliver, Secretary

The following communications were presented:

Glenn Affleck
Environmental Control Coordinator
Hewlett Packard Company

Opposed to the proposed amendments to Regulation 2, §3211.2; inquiring how many firms have resisted the Staff's request for access and information and their names; and expressing concern for the new definition of "source" stating that it will threaten the confidentiality of their processes.

EMTF

Agenda for July 13, 1977 meeting.

Clarence O. Fredrickson
Richmond

Complaining of pollution from Standard Oil Company and requesting that it be abated.

Geraldine Russell, Chief Clerk
Contra Costa County Board of Supervisors

Advising of the Board of Supervisors Budget Policy that only property tax revenues equivalent to the increase in the Consumer Price Index, an estimated 7 $\frac{1}{2}$ %, should be retained by the County and the remainder returned to taxpayers in form of a reduction in the tax rate.

Mr. and Mrs. James A. Weiberg, Mr. and Mrs. Russell F. Lude, Mr. and Mrs. Bernard Bayek,
Portola Valley, California

and Mr. Panos Papalambros
Menlo Park, California

Requesting that the budget not be any greater than the rate of inflation for the last 12 months.

MTC Regional Seaport Policy Committee

Agenda for August 8, 1977.

Saleem A. Farag, Chief
Office of Statewide Health Planning and Development
State Department of Public Health

Bulletin on the Statewide Health Planning and Review Activities.

John T. Jones
Field Sales Manager
Monsanto Enviro-Chem

Information on their Mist Eliminators.

OTHER

There was discussion on whether there would be a quorum of the Board at its meeting on July 27, 1977 because of the NACO Conference after which it was determined that a quorum would be present.

- - -

Mrs. Steinberg requested a report in writing from the Staff at the next meeting as to the present status of the Kaiser Permanente Company violations or any new violations, and Chairperson Chapman so ordered.

- - -

Mr. Kenny inquired if there were sufficient natural gas to take care of any emergencies in the District so that it would not experience a blackout such as which occurred in New York. Mr. Powell reviewed the two matters before the State PUC, advising that one involved a request from the ARB to transfer natural gas from Northern to Southern California because the smog problem was worse in the South; that the Staff appeared before the PUC and opposed said transfer; that a decision not been rendered thereon.

Mr. Powell stated that subsequently such diversion was requested because of the drought resulting in PG&E's hydropower being less than in the past and as a result necessitating it purchasing electricity from the South; that a decision thereon had been rendered, a copy of which had been received yesterday which requires a one-to-one exchange of natural gas for electricity for the remainder of 1977 based on a complicated formula.

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Chairperson Chapman requested that the District movie be shown during lunch on August 3, 1977.

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, July 27, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 11:35 A.M.

Respectfully submitted,

Mabel Harder,
Secretary

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UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS

REGULAR MEETING

Wednesday,
July 27, 1977
10:00 A.M.

939 Ellis Street,
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P. Doetsch,
Sr., James P. Kenny, Ruth Koehler,
Elwon Lance, Marguerite Leipzig,
James Lemos, Alfred J. Nelder,
Richard Oliver, Gerald M. Poznanovich,
Charles Santana, Peter Tamaras,
Helen Tirsell.

BOARD MEMBERS ABSENT:

Edward J. Bacciocco, Jr.,
Daniel A. McCorquodale, Geraldine
F. Steinberg.

ADVISORY COUNCIL MEMBER
PRESENT:

Jack C. Oppenheimer.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Warren R. Crouse,
Milton Feldstein, Dario Levaggi,
Donald A. Monaghan, Edward W. McHugh,
John F. Powell, Mabel Harder.

- - -

Chairperson Chapman called the meeting to order at 10:05 A.M.

APPROVAL OF MINUTES OF JULY 20, 1977

The Minutes were not available.

Ms. Tirsell arrived at 10:06 A.M.

REPORT OF BUDGET & FINANCE COMMITTEE
Geraldine F. Steinberg, Chairperson

In the absence of Chairperson Steinberg, Vice Chairperson Doetsch reported the Committee met prior to the Board meeting and recommends the adoption of the following Resolutions:

Resolution No. 1031, In the Matter of Authorizing the Chairman of the Board of Directors to Sign Two Purchase Orders in Amounts Exceeding \$4,000.

Resolution No. 1032, In the Matter of Authorizing the Chairman of the Board of Directors to Sign a Purchase Order in Amount Exceeding \$4,000.

Resolution No. 1033, In the Matter of Authorizing the Chairman of the Board of Directors to Sign a Maintenance Agreement with Motorola Communications & Electronics, Inc. in Amount Exceeding \$4,000.

Resolution No. 1034, In the Matter of Authorizing the Chairman of the Board of Directors to Sign a Security Agreement with Hewlett-Packard Company in Amount Exceeding \$4,000.

Mr. Doetsch so moved; seconded by Mr. Kenny; carried on roll call:

AYES: CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LEMOS, NELDER, OLIVER,
POZNANOVICH, SANTANA, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: BACCIOCCO, LANCE, LEIPZING, MCCORQUODALE,
STEINBERG.

In discussion of the Referrals to the Budget and Finance Committee, Mr. Monaghan advised that he would submit a report to the Committee on the dates the District receives its income from the Counties. Mrs. Koehler pointed out that the matter of the General Reserve and Cash Flow have been referred to the Committee and Chairperson Chapman requested that this matter be placed on the agenda for the Committee's next meeting.

CONTINUATION OF PUBLIC HEARING TO AMEND REGULATION 2
REGARDING RIGHT OF ACCESS TO PREMISES AND INFORMATION

Mr. Callaghan briefly reviewed his report, Proposed Amendment to Regulation 2 on Right of Access and Information, dated July 19, 1977.

Dr. Lance arrived at 10:10 A.M.

Mr. Feldstein reviewed the proposed amendments to Regulation 2 in the draft dated July 19, 1977.

Mrs. Leipzig arrived at 10:11 A.M.

Mr. Feldstein called attention to the APCO's report, Access Difficulties Encountered by Enforcement Division Personnel, dated July 22, 1977.

In discussion, on inquiry from Mrs. Koehler, Mr. Feldstein stated that a letter requiring plans and specifications could be initiated within 2-3 days; that said information is submitted for an Authority to Construct Application but not for an Application for Permit to Operate.

Mrs. Koehler referred to the APCO's report, Supporting Documents for Right of Access and Information, dated July 22, 1977 and specifically with respect to §15.3 of the Administrative Code - Trade Secrets, and Mr. Powell explained the procedures thereunder, and also read §6254.7 of the Government Code with respect thereto, pointing out that the Legislature decided what information was of public record.

Mr. Cooper referred to the information contained in the report, Access Difficulties Encountered by Enforcement Division Personnel, after which he moved that the Board instruct the Chairperson of the Board to write the President of Standard Oil Company, enclosing the list attached to the report and requesting a meeting with him to discuss the problem; seconded by Mr. Kenny.

In discussion, it was pointed out that the list developed by the Staff was only for one year and since there were other cases prior to this past year in which difficulties have been experienced that perhaps the Staff should furnish information from previous years. Mr. Feldstein advised that there were 2 other companies with whom difficulties have been experienced but that they were presently involved in litigation and upon advise of Counsel it was deemed inappropriate to list them at this time.

Mrs. Koehler stated she felt it was inappropriate for the Board to take action on the motion at this time and Chairperson Chapman took the motion under consideration.

Chairperson Chapman opened the public hearing at 10:30 A.M.

The following made presentations:

Keith Howard, Counsel
Union Oil Company and Shell Oil Company

expressed opposition to the proposed amendments and called attention to the letter from Union Oil Company dated June 27, 1977 presented previously and to his letter attached thereto in which he stated the proposed amendments were unconstitutional, pointing out that his conclusions were still the same.

was a hesitancy on the part of industry to discuss BALIA's proposed language; that industrial representatives were concerned about the need for any amendment and its constitutionality.

On inquiry from Dr. Lance, Mr. Powell stated the proposed amendment would be an exception to a search warrant; that warrantless searches of premises have been upheld in several areas including the gun industry, licensed massage parlors, nursing homes, a garage, a case worker's agenda.

Mr. McClintock reviewed the U. S. Supreme Court Decision in 1974 with respect to a warrantless search in the case of Colorado Air Pollution Control Health Department v. Western Alfalfa.

Jim Dehnert
Technical Subcommittee
WOGA

called attention to his statement dated July 6, 1977 expressing concern about the proposed amendments.

Mrs. Jean Siri, President
West Contra Costa Conservation League

spoke in support of the proposed amendment stating that Right of Entry has been an issue for years and suggested that if there were no other way to get access, the Inspector should consider calling the media.

Marilyn W. Lane, Corresponding Secretary
Gray Panthers of West Contra Costa County

spoke in support of the proposed amendments. She read a resolution from Centro Legal, Inc., Esther Pappas, President Pro Tem, supporting the proposed amendments.

David Hipilito
League for Economic Justice
Citizens Against Air Pollution

spoke in support of the proposed amendments, and requested that the program for in-stack monitoring be proceeded with rapidly.

Richard S. Grey
Pillsbury, Madison & Sutro
Counsel for Chevron, U.S.A.

spoke in opposition to the proposed amendments.

Robert Davis, General Manager
Chevron, U.S.A.

He stated §41510 of the Health and Safety Code gives the Staff the Right of Entry and has built into it Constitutional safeguards; that the Staff has never used the warrant procedure and that it would probably take only two hours for an Inspector to get a warrant from a Judge; that the Staff should avail itself of all the remedies under the present Section; that although there was a misunderstanding with Union Oil Company over a year ago with respect to inspection and access, there has been no problem since a meeting was held with respect thereto; that there has been a problem with only one company in the past year and the Staff has not addressed how its proposal would solve the alleged problem.

In discussion, on inquiry from Mr. Nelder as to how the proposal differs from the Code governing the Alcoholic Beverage Control, Mr. Howard responded that there was no exception under the Law for Public Health Inspectors that he knew of, and he reviewed Camara v. Municipal Court of the City and County of San Francisco.

On inquiry from Mr. Cooper, Mr. Powell stated that what the Staff was proposing was constitutional. Mr. Cooper stated he felt that it was up to the Courts to decide if the proposed amendment was unconstitutional, and he outlined what accomplishments were intended, and inquired from industry what other problems they envisioned except for constitutionality. Mr. Howard responded interrogation was one area of concern, pointing out that even though the documents listed in the proposed amendment may not be relevant to a particular inspection, the proposal gave the Inspectors the right to ask for them.

Greg McClintock, Counsel
Western Oil & Gas Association

presented a written statement in which he opposed the proposed amendment, stating that an administrative agency cannot conduct a warrantless search, and spoke to the issue of warrantless search pertaining to the liquor and firearms industry; that industry considered such documents as operating logs confidential, and pointed out that 99.9% of the time cooperation is being received by the District.

In discussion, Mr. Powell pointed out that under the proposed amendment an Inspector would be entitled to reasonable access immediately but that right of information would take 30 days.

Mr. Cooper stated he would prefer the amendment be specific as to the rights of the Inspector because other than large industries are affected and that small industries need to be protected; that a Court at a later date could determine whether or not the amendment is constitutional.

On inquiry from Dr. Lance with respect to the meeting on July 12, 1977, between Staff and interested parties, Mr. Callaghan advised that the Sierra Club and others who made a presentation to the Board at previous public hearings were invited; that it was held to try to work out language acceptable to both sides; that it was apparent industry was not interested in discussing language because it did not like the proposal at all; that there

spoke in opposition to the proposed amendments, and pointed out that two full-time Inspectors were assigned to the Refinery and that there were 400-500 contacts with them per year; he briefly reviewed the interface between the inspectors and his personnel over the past years; that a couple of years ago their open door policy began to erode because of serious interruptions in their operations caused by the Inspectors, who started antagonizing their personnel; that changes in procedures were instituted, with an employee being assigned full-time to interface with the Inspectors; that in November 1976 a meeting was held with the District Staff to explain the new procedures and it was indicated they were satisfactory to the District; he outlined the procedures, stating they have worked well; that the only indication Chevron had that there were difficulties with the new procedures was at an office conference in May, 1977 at which they were advised difficulties arose during an upset/breakdown, which he outlined; that the procedures thereon have been changed as a result; that there have been 240 contacts with Chevron personnel during the past 6 months and only 10 instances of difficulty have been experienced in the past year.

Larry Coleman
Chevron, U.S.A.

advised that during one 5-month period in 1976, 171 visits into the Refinery were made by Inspectors, totalling 227 hours and involving 2 Refinery personnel; that 20 Violation Notices were issued; he outlined some instances of difficulties with the Inspectors, stating he had 24 examples. Chairperson Chapman requested that he furnish said examples in writing to the Board.

Mr. Coleman responded to the APCO's report, Access Difficulties Encountered by Enforcement Division Personnel dated July 22, 1977, for the following incidents:

September 26, 1975 - ~~Escort~~ procedure is used in all Refineries.

October 3, 1975 - Customs Officials pick up oil samples from laboratory only; has an escort if he goes elsewhere.

July 26, 1976 - He quoted further from the letter of Mr. R. W. Davis, General Manager, Standard Oil Company of California, Western Operations.

November 23, 1976 - Mr. Davis explained the new procedures at the meeting with Staff and Staff believed they would solve the problem of inconsistency and entry.

Mr. Tamaras left at 12:05 P.M.

November 24, 1976 - Letter was for the purpose of confirming the agreement reached with Staff with respect to the procedures and requesting that the District let SO know if any difficulties arose.

December 2, 1976 - Meeting was not cancelled - Inspector met with the new process personnel - Chart was not missing, and he explained.

January 5, 1977 - He reviewed the chart shown, stating a fine was paid in the matter.

January 11, 1977 - This was an error and re-inspection was re-scheduled.

January 12, 1977 - Discussion was held on January 14, 1977 - no violation was issued.

Chairperson Chapman requested that Mr. Coleman submit in writing the remaining responses to the incidents.

In discussion, Mr. Coleman advised that the procedures were changed principally because of one Inspector; that he had written Mr. Sheehy, Plant Manager, about the Inspector problem, sending a copy of the letter to Mr. Callaghan. Mr. Callaghan advised that Inspectors were rotated every 1 1/2 - 2 years usually between Refineries. Mr. Poznanovich suggested that if there were a problem between Standard Oil and some District personnel, it might be well for the Chairperson of the Board, the Plant Manager of Standard Oil and Mr. Callaghan to meet.

In discussion of the proposed amendments, Dr. Lance stated he did not believe the information presented in the Staff's report warranted the proposed regulation. Mrs. Leipzig stated she did not feel the regulation was warranted; that it would be unfair to all the other industries who try to comply.

On inquiry from Mr. Cooper, Mr. Coleman pointed out that "source" has been defined and as a result, an Inspector would have access to the entire plant; that the regulation could be interpreted differently by Inspectors. Mr. Cooper requested that if a source has a problem with Inspectors, he would appreciate being advised in writing.

Mr. Oliver left at 12:25 P.M.

Mr. Grey in continuing his presentation, stated that the regulation was unjustified, and spoke to the legality of the proposed amendment, making reference to §§41510 and 42303 of the Health and Safety Code.

Mrs. Leipzig left at 12:26 P.M.

Max Taplin

Pacific Steel Casting Company

presented a written statement from Mr. Charles T. Sheehan,
Cast Metals Federation

opposing the proposed amendments and submitting a suggested amendment.

There was discussion on whether a quorum would be present to take action on the proposed amendment, after which Chairperson Chapman continued the public hearing to August 3, 1977 - to be the first item on the agenda.

SET PUBLIC HEARING TO CONSIDER ADOPTING AIR RESOURCES
BOARD'S IN-STOCK MONITORING REPORTING REQUIREMENTS

Mr. Callaghan presented his report, Request for Public Hearing to Amend

the Continuous Monitoring Rules of Regulation 2 to Conform with ARB Requirements, dated July 20, 1977.

Mrs. Tirsell moved that the public hearing thereon be set for September 7, 1977; seconded by Mrs. Koehler; carried.

Chairperson Chapman continued the following agenda items until the next meeting.

Report on Kaiser-Permanente Recent Violation/Compliance Record.

Report on AB-724 Concerning Violation Penalties.

Progress Report on Permit Applications for 500 Tonners.

Report on Plaque Honoring Past Board and Advisory Council Chairpersons.

BOARD REFERRALS AND ACTIONS TAKEN REPORTS

The following reports were presented:

Summary of Actions Taken - Board of Directors - July 20, 1977;
Pending Referrals from Board of Directors, dated July 11, 1977.

COMMUNICATIONS Richard Oliver, Secretary

The following communications were presented:

James F. Dehnert
Bay Area Refining Committee
Western Oil & Gas Association

Expressing concern on the proposed amendments to Regulation 2 concerning Rights of Access to Premises and Information Requests; questioning whether the California State Health and Safety Code actually permits such granting of authority; that the proposed wording is an invitation to inefficient investigations and harassments.

Bill Press
Director
Office of Planning and Research
State of California

Notice of Public Workshop on Urban Growth and Development in California on July 26, 1977.

Mrs. Diane Pereira
Fremont

Inquiring if there are plans to dissolve the BAAPCD, and expressing opposition to any dissolution.

Richard S. Grey
Pillsbury, Madison & Sutro

Requesting to make presentation on July 27, 1977, during public hearing on amending Regulation 2.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, August 3, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:40 P.M.

Respectfully submitted,

Mabel Harder,
Secretary

MH:se

BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109

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AUG 11 1977

BOARD OF DIRECTORS

UNIVERSITY OF CALIFORNIA

REGULAR MEETING

Wednesday
August 3, 1977
10:00 a.m.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P. Doetsch, Sr.,
James P. Kenny, Ruth Koehler,
Elwon Lance, Marguerite Leipzig,
James Lemos, Daniel A. McCorquodale,
Alfred J. Nelder, Richard Oliver,
Charles Santana, Geraldine Steinberg,
Peter Tamaras.

BOARD MEMBERS ABSENT:

Gerald M. Poznanovich, Helen Tirsell.

ADVISORY COUNCIL MEMBER
PRESENT:

Jack C. Oppenheimer.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Thomas F. Brennan, Warren R. Crouse,
Milton Feldstein, Thomas H. Crawford,
Richard W. Grieves, Michael
Macomber, Donald A. Monaghan,
Edward W. McHugh, Mabel Harder.

- - -

APPROVAL OF MINUTES OF JULY 20 and July 27, 1977

Mr. Doetsch moved the approval of the July 20, 1977 minutes; seconded by Mr. Kenny; carried.

The Minutes of July 27, 1977 were not available.

REPORT - EXECUTIVE COMMITTEE
Sam Chapman, Chairperson

Chairperson Chapman reported the Committee met prior to the Board Meeting and discussed holding Board Meetings throughout the District and approved a tentative form agenda prepared by Mr. McHugh for said meetings; that the first such meeting would be held in Solano County with Mr. Lemos Chairing the meeting; that the Director in the County in which the meeting will be held will be responsible for the meeting with respect to agenda, meeting place and date, which will be coordinated with the Staff; that such meetings will be basically informational and an attempt will be made to have at least five Directors at each meeting; that the matter will be discussed further by the Board when arrangements for the Solano County meeting have been completed.

Chairperson Chapman stated the Committee also discussed the Board using a Consent calendar; that items which are routine such as purchase orders, approval of out-of-state travel, and removal of Referrals will be on the Consent calendar; that this will be the format of the agenda for the next Board Meeting.

Mr. Nelder arrived at 10:04 a.m.

Mrs. Leipzig arrived at 10:06 a.m.

Chairperson Chapman further reported that the Committee discussed the matter of renegotiation of the lease with the Redevelopment Agency and directed the Staff to make a survey of rents, after which the matter will be further discussed by the Committee.

Chairperson Chapman stated the Committee discussed meeting with the Executive Committee of the Advisory Council to discuss priorities of the Referrals to them; said priority list will be presented to the Board for approval.

CONTINUED PUBLIC HEARING ON AMENDING REGULATION 2
BY ADDING SECTION 3211.2 REGARDING RIGHT OF ACCESS
TO PREMISES AND INFORMATION

Mr. Feldstein reviewed the APCO's report, Proposed Amendment to Regulation 2 on Right of Access and Information, dated July 28, 1977, stating that the format had been changed based on comments made by some Board Members at the last public hearing, but that there was no substantive change.

In discussion of the Staff's new proposal, Mr. Cooper stated he felt that it was now much clearer as to what an Inspector could ask for; and inquired if there were a real need to make refusal a violation or if a warrant could be obtained instead, to which the Staff responded that it provided clout, pointing out that issuing a Violation Notice did not mean that it would be processed; that a higher court could make the determination; that a Violation Notice has not been issued in the past for refusal of right of access. Mr. Cooper suggested deleting C-Failure to Provide Reasonable Access or Information-and making a determination in 6 months; that he saw no need to give an Inspector this additional power.

The following made presentations:

George Kamburoff
H. C. Macaulay Foundry Company

presented a written statement, opposing the proposed amendment pointing out it affected many industries who are operating openly today; that it was difficult to do business in the Bay Area today, increased governmental regulations being one reason; that the Staff should utilize the procedures presently at its disposal to determine whether they are completely inadequate.

Mr. Tamaras arrived at 10:25 a.m.

Charles Kinney
Counselor
Associated Building Industry of Northern California

reviewed his letter dated August 1, 1977. He called attention to B-3 of the proposal pointing out that labeling the charts in the presence of a District representative might present a problem since it has to be done immediately rather than in 30 days, to which Mr. Feldstein responded that the District wanted to make sure the charts had the correct time stamped on them so they could be correlated with an incident. Mrs. Koehler expressed concern that industry did not always preserve all the process charts, to which Mr. Feldstein responded that if an Inspector notifies the source that he wants to see the charts for a specific day, he felt the source would preserve it.

Dr. Alexander Reskin
Gray Panthers of San Francisco

in comments, supported the proposal

Mr. Cooper referred to B-2, and suggested adding "in writing" to eliminate any conflict as to what information was being requested, to which Mr. Callaghan responded that he saw no problem in so adding.

Francheon Christner
Gray Panthers of Contra Costa County

supported the proposed amendment and read three letters also supporting the proposed amendment from the following:

Gray Panthers of the East Bay Inc.
El Cerrito Democratic Club
West Contra Costa Peace Committee
Gray Panther's of West Contra Costa County

Chairperson Chapman closed the public hearing at 10:40 a.m.

In discussion of the proposed amendments, Mr. Cooper suggested deleting B-3 stating it was redundant of B-5, and suggested adding "documents and charts" to B-5, to which Mr. Feldstein responded that B-3 refers specifically to monitoring charts and that B-5 applies to all the other paragraphs in the section; that the 30-day requirement did not apply to mailing and initialing charts.

After further discussion, Mr. Nelder moved that the Board adopt the Staff's recommendation, Resolution No. 1035, In The Matter Of Amending Regulation 2 Relating To The Right Of Access To Premises And To Information; seconded by Mrs. Koehler.

In discussion, Mr. Cooper moved to delete the first sentence of B-3 and adding at the end of the paragraph", within five working days of the request". Mr. Feldstein stated this would defeat the purpose of the section, stating the Staff wants charts marked when the Inspector comes into the plant; that the first sentence could be deleted but that the second sentence should remain unchanged. There was no second.

After further discussion, Mr. Cooper moved that the word, "immediately" be inserted in the second sentence of B-3 after the word, "charts" and that the first sentence be deleted; seconded by Mr. Lemos.

Hearing no objections, until Chairperson Chapman stated that the change would be incorporated in Mr. Nelder's main motion.

Mr. Cooper moved to delete paragraph C-Failure to Provide Reasonable Access or Information; seconded by Mr. Kenny; carried on roll call:

AYES:	COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, NELDER, SANTANA, TAMARAS.
NOES:	CHAPMAN, McCORQUODALE, OLIVER, STEINBERG.
ABSENT:	BACCIOCCO, POZNANOVICH, TIRSELL.

Mr. Nelder's motion then carried on roll call:

AYES:	CHAPMAN, COOPER, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMOS, McCORQUODALE, NELDER, OLIVER, SANTANA STEINBER, TAMARAS.
NOES:	NONE.
ABSENT:	BACCIOCCO, POZNANOVICH, TIRSELL.

Mr. Cooper requested that if industry experiences any problems with this section he would appreciate knowing about them.

Mr. Cooper suggested that the Staff meet with representatives of Standard Oil Company to discuss the problems and report back.

Chairperson Chapman then requested that the Staff arrange a meeting with Mr. Davis of Standard Oil, himself and the Staff, stating he would then report back to the Board.

REPORT OF ADVISORY COUNCIL LIAISON
Stuart C. Cullen

Dr. Cullen reported that he has continued to attend meetings of the Advisory Council, pointing out that most of their time has been spent on the recodification of the regulations; most of the Subcommittees have completed their work and that their recommendations will now be reviewed by the Subcommittee On Regulation Consistency; that when the Executive Committee meets with the Council's increasing the number of Advisory Council meetings should be discussed.

REPORT ON KAISER-PERMANENTE RECENT VIOLATION/COMPLIANCE RECORD-STAFF

Mr. Feldstein referred to the APCO's report, Report On Kaiser-Permanente Recent Violation/Compliance Record, dated July 26, 1977, and stated the the Staff is initiating a conference with Kaiser Permanente to determine the cause of the excesses; that most of the violation notices issued have been issued on the basis of in-stack monitoring; that after the meeting the Staff will determine what further legal action is required.

In discussion, Mrs. Steinberg expressed concern that it has taken the Staff so long to resolve this problem and requested that she and Mrs. Koehler be notified of the meeting so they could be present.

REPORT ON AB-724 CONCERNING VIOLATION PENALTIES

Mr. Callaghan reviewed Mr. Powell's letter dated July 26, 1977, stating that the Courts had been very hesitant to levy a fine up to the maximum allowable.

In discussion, on inquiry from Mrs. Koehler, Mr. Callaghan stated that "intent and negligence" has to be proven under a criminal case but not under a misdemeanor. He pointed out that going to court takes a great deal of preparation; that not only is Counsel involved but also inspectors and engineers. Mrs. Steinberg stated she felt that a higher penalty would encourage the violator to settle out of court and would lessen the number of cases in court. Mr. Chapman stated he felt the intent of the legislation was good and would be helpful to the District.

After further discussion, Mr. McCorquodale moved that the Board endorse AB-724; seconded by Mr. Oliver.

In discussion, on inquiry from Mr. Lemos, Mr. Callaghan stated the Bill has the potential of increasing the fines; that there would be alot of administrative problems and that the cost would go up; but he did not have a recomendation one way of the other.

The motion failed on roll call:

AYES: CHAPMAN, KOEHLER, LANCE,
McCORQUODALE, OLIVER, STEINBERG.

NOES: COOPER, CULLEN, DOETSCH, KENNY,
LEIPZIG, LEMOS, NELDER, SANTANA,
TAMARAS.

ABSENT: BACCIOCCO, POZNANOVICH, TIRSELL.

Mr. Callaghan stated he would bring any amendments to the attention of the Board.

PROGRESS REPORT ON PERMIT APPLICATIONS FOR 500 TONNERS

Mr. Feldstein reported that 29,000 forms were sent out to 210 companies- 25 T/Y, and 14,000 have been returned; that there were 33 companies in the 500 T/Y category all of whom applied by July 1, 1977 for their Permit to Operate; that 4493 forms had been sent to these sources, of which 3882 had been returned; that of the 33 companies, 16 had been evaluated and were ready to enter into the computer, that 11 will be ready within a short period of time for computerization; that 6 companies have not submitted all the information required.

Mr. Feldstein advised that one of the conditions for Subvention funds from the ARB last year was that the District should accomplish two major items by July 1, 1977: to bring the 500 T/Y sources into the Permit system; and finish EIS reporting on the greater than 25 T/Y sources. He stated that because the District has not accomplished these two requirements, the ARB will probably withhold some Subvention funds. He pointed out that a 60-day extension was given to get all the information in from the sources but that the August 31 deadline would not be met but that the Staff felt it more important to do a good job on the programming.

In discussion, Mr. Feldstein stated that the withholding of the Subvention funds would probably be just temporary but that it would depend on the letter to be received from the ARB.

After discussion, Chairperson Chapman requested the Staff to prepare a letter for his signature to Mr. Thomas Quinn and the other ARB members pointing out the diligence of the District's efforts and the thorough job it is doing, and setting forth the projected time the District will have all the information complete.

Mrs. Koehler requested that the Board be furnished the names of the 6 companies who have not submitted all the information required.

Mr. Cooper left at 11:22 a.m.

REPORT ON PLAQUE HONORING PAST BOARD AND ADVISORY COUNCIL CHAIRPERSONS
Edward W. McHugh

Mr. McHugh reviewed his report, Honoring Past Chairpersons of the Board of Directors and Advisory Council, dated July 27, 1977, suggesting the Staff be authorized to proceed with the project getting the plaques in Benicia.

After discussion, Mr. Nelder moved that the Staff be authorized to get the plaques in Benicia; seconded by Mr. Doetsch; carried on roll call:

AYES:	CHAPMAN, CULLEN, DOETSCH, KENNY, KOEHLER, LANCE, LEIPZIG, LEMON, MCCORQUODALE, NELDER, OLIVER, SANTANA, STEINBERG, TAMARAS.
NOES:	NONE.
ABSENT:	BACCIOCCO, COOPER, POZNANOVICH, TIRSELL.

Chairperson Chapman stated the Board would determine at a later date where the plaques would be hung.

REPORT OF AIR POLLUTION CONTROL OFFICER
D. J. Callaghan

The following reports were presented:

Director of Enforcement, Monthly Activity Report for July 1977;
Director of Technical Services, Monthly Activity Report, June 22,
through July 19, 1977;
Director of Engineering Services Monthly Activity Report, June 21, 1977
to July 20, 1977;
Director of Public Information Monthly Activity Report - June 25, 1977
July 22, 1977;
Status of Legal Matters - June 23, 1977 - July 21, 1977;
Controller's Appropriation Statement and Cash Position, June 30, 1977.

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Mr. Callaghan advised that the Oxidant levels during the last heat wave did not exceed the Alert level, the high being 0.16ppm in the Santa Clara area.

Dr. Lance inquired as to the effect the fire on Mt. Diablo would have on air quality, to which Mr. Feldstein replied that the biggest impact would be on particulate matter.

Mrs. Koehler inquired as to the meaning of the exclamation point in the Director of Enforcement's Monthly Activity Report, and Mr. Feldstein stated he would advise her.

Mr. Callaghan advised that the ARB had certified a secondary recovery system and that a report would be made to the Board at its next meeting, and Chairperson Chapman so ordered.

Mr. Feldstein advised that on July 26, 1977, EPA approved the District's Regulation on Vapor Recovery; Chairperson Chapman requested the Staff to make a complete report at the next meeting.

BOARD REFERRALS AND ACTIONS TAKEN REPORTS

The following reports were presented:

Summary of Actions Taken July 27, 1977
Pending Referrals from Board of Directors dated August 1, 1977

COMMUNICATIONS
Richard Oliver
Secretary

The following communications were presented:

William A. Falik
Landels, Ripley & Diamond
Representing Royal Tallow & Soap Division of Darling Delaware
Company, Inc.

Opposed to the proposed amendments to Regulation 2, Sec. 3211.2, stating that there are serious constitutional questions and that the proposal may go beyond the statutory authority of Health and Safety Code Sec. 41510.

R. F. Miller
Chief Refinery Engineer
Union Oil Company of California

Opposed to the proposed amendments to Regulation 2, Sec. 3211.2, and suggesting a 12-month postponement of the entire issue.

ABAG Industrial Siting Task Force

Agenda for August 5, 1977

M. M. Nilsson
Executive Vice President
Sinclair Paints

Requesting it receive notice of any consideration to matters concerning the solvent content of architectural coatings, and receive copies of any proposals.

Peter F. Burum
Attorney, Los Angeles

Requesting to be placed on mailing list for any action on solvents used in the manufacturing or application of paint products.

S. M. Tatarian
Director of Public Works
City and County of San Francisco

Invitation to submit a bid for work on a Municipal Asphalt Plant Independent Heat Supply System.

Charles Kinney, Counselor
Associated Building Industry of Northern California

Opposed to the proposed amendments to Regulation 2, Sec. 3211.2, pointing out that only 0.01% of the contacts between the District and Industry result in problems; that the question of definition of "trade secrets" is unresolved; that there are approximately 2 1/2 times as many complaints against the District as against Industry; that small industries cannot afford to hire an attorney to distinguish between "trade secrets" and "source".

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, August 17, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 11:30 A.M.

Respectfully submitted,

Mabel Harder,
Secretary

MH:mg

DAY AREA
AIR POLLUTION
CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109

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SEP 6 1977

BOARD OF DIRECTORS

UNIVERSITY OF CALIFORNIA

REGULAR MEETING

Wednesday,
August 17, 1977
10:00 A.M.

939 Ellis Street,
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Fred F. Cooper, Stuart C. Cullen,
Ralph P. Doetsch, Sr., James P.
Kenny, Ruth Koehler, Elwon Lance,
Marguerite Leipzig, James Lemos,
Daniel A. McCorquodale, Richard
Oliver, Charles Santana, Helen
Tirsell.

BOARD MEMBERS ABSENT:

Sam Chapman, John L. Molinari,
Gerald M. Poznanovich,
Geraldine F. Steinberg,
Peter Tamaras.

ADVISORY COUNCIL MEMBER PRESENT:

Jack C. Oppenheimer

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Warren R.
Crouse, Richard W. Grieves,
Gale Karels, Dario Levaggi,
Donald A. Monaghan, Edward W.
McHugh, John F. Powell,
Mabel Harder.

In the absence of Chairperson Chapman, Vice Chairperson McCorquodale called the meeting to order at 10:10 A.M. He advised that Supervisor Molinari had been appointed to the Board to replace Supervisor Nelder.

Mr. Bacciocco suggested that a resolution be adopted for Mr. Nelder commending him for his services, and Vice Chairperson McCorquodale requested the Staff to prepare an appropriate resolution for presentation at the next Board meeting.

APPROVAL OF MINUTES OF JULY 27 AND AUGUST 3, 1977

Mr. Callaghan requested the following corrections in the Minutes of August 3, 1977:

Page 5, paragraph 11, line 2 to read "intent or negligence" --- under a civil case ---.

Page 7, paragraph 12, line 3 to read "Santa Clara County".

Dr. Lance arrived at 10:15 A.M.

Ms. Harder requested an addition to the Minutes of August 3, 1977, page 2 at the top of the page: "Chairperson Chapman called the meeting to order at 10:02 A.M.".

Mrs. Koehler moved the Minutes of July 27, 1977 and August 3, 1977 as corrected be approved; seconded by Mr. Santana; carried.

REPORT OF ENVIRONMENTAL MANAGEMENT TASK FORCE Daniel A. McCorquodale, Vice Chairperson

There was no report.

REPORT ON EPA APPROVAL OF DISTRICT'S VAPOR RECOVERY SYSTEM REGULATION

Mr. Callaghan briefly reviewed his report, EPA Approval of District's Service Station Vapor Recovery Regulations, dated August 9, 1977. On inquiry from Mrs. Koehler, Mr. Callaghan stated that the Federal Register attached to his report would indicate that EPA has approved regulations of other Districts pertaining to vapor recovery.

Mr. Doetsch moved that the report be accepted; seconded by Mrs. Leipzig; carried.

REPORT ON ARB CERTIFICATION OF A VACUUM ASSIST VAPOR RECOVERY SYSTEM

Mr. Callaghan briefly reviewed his report, ARB Certification of Phase II Service Station Vapor Recovery Systems, dated August 9, 1977.

Mr. Cooper arrived at 10:20 A.M.

Mr. Gale Karels by means of a schematic drawing outlined the differences between the balanced system and the Gulf/Hasselman VCP-2 system, stating that the cost for the Hasselman system above and beyond that for a balanced system can vary between \$7500 - 11,000; that the Hasselman system is a destructive device in that all the vapors collected are destroyed by the incinerator; that the balanced system processes the vapors and returns them to useful fuels; that the District estimates 40 T/D is attributed to Phase II, of which 25 T/D are returned and processed for useful fuels; that the District estimates the vapors emitted from a Hasselman system to be 60 T/D; that the efficiency of such system is 97%.

In discussion, Mr. Karels advised that the Hasselman system is the only one certified to date by the ARB: that although other systems are pending there is no indication when another will be certified. Mr. Callaghan advised that those service stations which complied with the District's regulation as of July 1, 1976 will not be required to convert the system to the secondary recovery system unless the Board amends the Regulation to so require; that those service stations which were given a conditional permit to construct and operate will now have to comply with the State Law.

In further questioning from the Directors, Mr. Karels stated that the balanced system was not acceptable to the ARB because there have been a lot of questions with respect to spillage and also other problems have to be worked out. Mr. Callaghan advised that the ARB established a 90 percent recovery criteria and that the balanced system does not meet this in all cases which is another reason it has not been certified by the ARB; that the second generation nozzle being worked on could affect the recovery percentage, but that ARB might require 95 percent recovery in the future.

Mr. Cooper pointed out that previously 70 T/D were being emitted and that now this has been reduced to 13 T/D, and that the cost to recover these tons via the Hasselman system was tremendous, with which Dr. Bacciocco agreed pointing out that requiring the additional installation of the Hasselman system could ruin the independent operators. Ms. Tirsell pointed to the energy which was being used with the Hasselman system as well as the waste of the fuel being burned when it could be recovered.

After further discussion, Mr. Cooper suggested the Staff draft a resolution to the ARB outlining the reduction of 70 T/D to 13 T/D and the fact that a second generation nozzle is being developed; that EPA has approved the District's vapor recovery regulation; that the cost being proposed by the ARB is too tremendous and could force a number of independent gas stations out of business.

Mr. Callaghan read a letter he received August 16, 1977 from the ARB regarding the specifications for the Hasselman system and the necessity for service stations operating under a conditional permit to modify their system in accordance with the ARB requirements and requesting the District to establish a schedule for upgrading those service stations which came into compliance prior to July 1, 1976 to the ARB system.

Mr. Oliver stated he did not feel the presently installed balanced system met 80 percent efficiency and that before adopting a resolution to the ARB he wanted to see the ARB test results.

Mr. Karels advised that ARB tested two Union Oil Service Stations using the old 7-V nozzle; that the first test showed 89 percent efficiency, which the ARB disallowed because they require 90 percent; that retesting at those stations has shown about 90 percent efficiency. Mr. Oliver requested Staff provide in writing the criteria for the testing at the Union Oil service stations, the length of testing and who did it. Mr. Karels pointed out that the ARB has definite test procedures which must be followed; that all testing is done by a private laboratory using normal station personnel operating the nozzle; and a 100 car average distribution.

Mrs. Koehler requested that the Staff report also include a comparison between the District's testing and that of the ARB.

Mr. Oliver pointed out that the biggest problem with the balanced system is that no fit is made with the nozzle so that vapors escape; that with the vacuum assist system the vapors do not escape; that if the second generation nozzle would not operate without a tight fit, this would alleviate the problem. Mr. Karels stated that the seal on the second generation nozzle was not so tight that fuel could not escape.

After further discussion, Vice Chairperson McCorquodale requested the Staff to prepare a report in connection with the Vapor Recovery System, which should include a draft resolution to the ARB outlining the reduction of 70 T/D to 13 T/D and the fact that a second generation nozzle is being perfected; that EPA has approved the District's regulation on vapor recovery; that the costs being proposed by the ARB for the installation of the Hasselman system are too great and would force a number of independent gas stations out of business; said report to also include the ARB test results on the District's system and their test procedures for the testing done at the Union Oil stations, how long the testing took and who did it; the District's test procedures; and a comparison of the testing done by District and the ARB; said report to be made on September 21, 1977.

Mrs. Koehler suggested that a member of the ARB be requested to be present on September 21, and Vice Chairperson McCorquodale so ordered.

LEGISLATIVE REPORT D. J. Callaghan

Mr. Callaghan reviewed his Status Report on Legislation - 1977-78 Legislative Session, dated August 16, 1977.

On inquiry from Mr. McCorquodale as to the status of the Boatwright Bill requiring economics to be taken into consideration, Mr. Callaghan stated he would check on this.

Mrs. Koehler moved that the Board accept the report; seconded by Mr. Kenny; carried.

CONTROLLED BURNS TO ALLEVIATE FIRE HAZARDS IN
BAY AREA AS SUGGESTED BY DIRECTOR COOPER

Mr. Callaghan briefly his report, Controlled Burns to Alleviate Fire Hazards in the Bay Area, dated August 9, 1977, in which he pointed out that Regulation 1 allows fires set for the purpose of prevention of a fire hazard. The report was acceptable to Mr. Cooper.

BOARD REFERRALS AND ACTIONS TAKEN REPORTS

The following reports were presented: Pending Referrals from Board of Directors dated August 8, 1977; Summary of Actions Taken - Board of Directors dated August 8, 1977.

COMMUNICATIONS
Richard Oliver, Secretary

The following communications were presented:

Marjorie W. Evans
Member, California Air Resources Board

expressing pleasure to Mr. Chapman upon his becoming Chairperson of the Board.

Marjorie W. Evans
Member, California Air Resources Board

expressing pleasure to Mr. McCorquodale upon his becoming Vice Chairperson of the Board.

Environmental Management Task Force

Agenda for August 10, 1977 meeting

Bill Press, Director
Office of Planning & Research
Sacramento

Presenting for review and comments the California's Draft Intrastate Allocation Process for the Coastal Energy Impact Program.

Colin C. Hutcheon
City Clerk
City of Fairfield

enclosing corrected legal description in connection with the Fairfield Regional Center Redevelopment Project.

Albert J. Ruffo
Ruffo, Ferrari & McNeil

advising that Kaiser Cement & Gypsum Corporation is willing to meet with the District to discuss the 17 Violation Notices, and clarifying the misunderstanding.

Michael Mitchell
Auditor-Controller
County of Marin

Advising the assessed valuation data for the fiscal year 1977-78.

Charles Kinney, Counselor
Associated Building Industry of Northern California

registering a complaint about the procedure at the August 3 public hearing regarding Right of Access and Information, stating that for a public hearing to be effective a procedure should be established whereby members of the audience can provide additional comments when substantial changes are made, and enclosing partial transcript of the hearing wherein changes were made after the public hearing was closed.

Walter C. Barber, Director
Office of Air Quality Planning and Standards
EPA

Referring to Chairperson Chapman's letter of July 15th regarding the need to insure air quality improvement as a part of EPA's emission offset policy, advising they are in the process of reevaluating the emission offset policy in light of experiences to date and the recently passed Clean Air Act Amendments of 1977.

James A. Frazier
Professional Associate
National Research Council

advising that a copy of the report, Ozone and Other Photochemical Oxidants is being sent.

Ad Hoc Committee of Small California Paint Manufacturers

regarding the Model Rule for Architectural Coatings approved by the ARB on July 7, 1977, recommending that no District adopt the Model Rule, and outlining the reasons therefore with respect to Quality Loss, Cost-Benefit and Redundancy.

OTHER

Mr. Callaghan advised that when the recent amendments to the Clean Air Act have been received, a complete analyses would be presented to the Board.

TIME AND PLACE OF NEXT MEETING

Vice Chairperson McCorquodale advised that because of the lack of agenda items for the meeting on August 24, the next meeting would be at 10:00 A.M. Wednesday, September 7, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 11:10 A.M.

Respectfully submitted,

MH:se

Mabel Harder, Secretary

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AIR POLLUTION CONTROL DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIF. 94109

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INSTITUTE OF GOVERNMENTAL
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1977

BOARD OF DIRECTORS

REGULAR MEETING

UNIVERSITY OF CALIFORNIA

Wednesday
September 7, 1977
10:00 A.M.

939 Ellis Street
San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P.
Doetsch, Sr., James P. Kenny,
Elwon Lance, Marguerite
Leipzig, James Lemos, Daniel
A. McCorquodale, Richard
Oliver, Gerald M. Poznanovich,
Charles Santana, Geraldine F.
Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBERS ABSENT:

Ruth Koehler, John L. Molinari.

ADVISORY COUNCIL MEMBERS PRESENT:

Robert J. Debs, Scott Lynn,
Jack C. Oppenheimer.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Warren R.
Crouse, Milton Feldstein, Dario
Levaggi, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Mabel Harder.

- - -

Chairperson Chapman called the meeting to order at 10:10 A.M.

APPROVAL OF MINUTES OF AUGUST 17, 1977

Mr. Lemos moved the approval of the Minutes and all Consent items on the agenda; seconded by Dr. Lance; carried.

REPORT OF THE EXECUTIVE COMMITTEE

Sam Chapman, Chairperson

Chairperson Chapman advised the Committee met prior to the Board meeting and approved out of state travel. He advised that the Air Pollution Control Association West Coast Section would meet at Lake Tahoe on October 12 - 14, 1977 and that any Board member that would like to attend should notify Mr. Callaghan. He advised the Committee also reviewed the order of priorities of the Referrals to the Advisory Council and will meet with the Executive Committee of the Council some time in late October or early November to discuss them; that the Council is currently working on the recodification of the regulations, which process it is hoped will be completed by November - December.

Mr. Tamaras arrived at 10:11 A.M.

Chairperson Chapman stated that Director Cullen would continue as Board Liaison to the Council.

REPORT OF THE PERSONNEL COMMITTEE

Helen Tirsell, Chairperson

Ms. Tirsell reported that the Committee met prior to the Board meeting and discussed the Staff's recommendation that Institute for Manpower Management do the comprehensive classification and salary survey; that the Committee was concerned that the study would not be completed until April when negotiations between the Union and Management would be underway, so that there was need to either extend the negotiation period or provide a means for access to the survey at an early date so that recommendations can be based on right information. She stated the Committee recommends that the contract with the Institute for Manpower Management be amended to include a \$50/D penalty clause after May 1, 1978, and she moved the adoption of Resolution No. 1036 with said amendment, In the Matter of Authorizing the Chairman of the Board of Directors to Execute an Agreement with Institute for Management Manpower; seconded by Mr. Cooper; carried on roll call.

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN,
DOETSCH, KENNY, LANCE, LEIPZIG, LEMOS,
McCORMQUODALE, OLIVER, POZNANOVICH,
SANTANA, STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: KOEHLER, MOLINARI.

REPORT OF ENVIRONMENTAL MANAGEMENT TASK FORCE
Sam Chapman, Chairperson

Chairperson Chapman pointed out that EMTF is reaching the point where the air quality maintenance plan is being put in a form for final review. He called attention to the AQMP Technical Memo 7, dated July 7, 1977, entitled, Development and Analysis of Alternative Air Quality Strategies.

Mr. Feldstein presented the AQMP Brief No. 3, dated August 1977 and reviewed it, including the 1985 - 2000 projections. He described the development of the LIRAC Model, pointing out that the information which goes into the computer is based on one kilometer square grids; that various kinds of meteorology is taken into consideration after which the computer converts the data into air quality impact estimates.

Mr. Feldstein reviewed Table 5 of the report, Elements of a Comprehensive AQMP Strategy, pointing out that the strategies are those that have been suggested by the Joint Technical Staff to the EMTF, and may or may not be implemented. He stated he felt the District Board had the authority to implement those strategies under stationary source control; that in order for the program to be successful, it will require cities and counties to adopt the measures.

Mr. Levaggi reviewed the chart, Approximate Emission Reduction Requirements to Achieve the 0.08 ppm Photochemical Oxidant Standard in 1975, as contained in the report, Air Quality Problems, prepared for the EMTF, dated August 1977, pointing out that the Oxidant standard can be met if hydrocarbon emissions are reduced by 80%. He reviewed the charts, "Optimistic" Estimates of Hydrocarbon Reductions from Alternate Control Programs, and Recommended EMTF Actions. Mr. Levaggi reviewed the Control Strategy as contained in the AQMP/Tech. Memo 7 - Table 1, Summary of Strategy Cases for Air Quality Evaluation. Mr. Feldstein stated that ; even if all the suggested strategies were adopted, the standard would not be met, and he pointed out that many strategies would be difficult to adopt.

Mr. Chapman expressed the concern that the model had been run but excluded Napa County and most of Sonoma and Solano Counties and that he did not feel a regional plan could be established without taking the entire region into consideration; and that he was further concerned as to how the control strategies would be accomplished.

Eugene Y. Leong
ABAG

advised that the LIRAQ Model did have the capability of including the Northern Counties, but that the core space in the memory did not have the capability to run more than 100 kilometers and that it is planned to shift a grid to include the Northern Counties so that the information will be generated; that prototype meteorology for 1973 would be assumed which would not simulate the worst conditions in the Northern Counties; that wind direction and speed is needed in three dimensions and that this is difficult to develop, but that air quality data is available. He stated that Strategy 9 is currently being reviewed by the Model; that

Strategy 6 is presently being run and that work would then be done on the balance of the Strategies.

Dr. Cullen pointed out that Mr. Brattain had stated that the bottom line in this matter is population growth, and inquired if there were any way to control growth, to which Mr. Chapman responded that this related to land use development control measures and that at the last EMTF meeting one matter of controversy was the recommendation for encouraging North Bay development, and restricting South Bay development. Mr. Leong stated that land use development and controls for 1985 were not estimated because it was assumed this was long range planning and would not be in effect by 1985; that it is necessary to start planning the space and distribution of jobs and people in these areas; that transportation control strategies are estimated to be measures that could be implemented in the short term. He advised that ABAG initiated a survey among cities and counties as to trends for growth and development, which information was used in ABAG's projections; that compact growth scenarios had been developed to show impact on emissions and VMT; that as to implementation, it is felt the District will assume the stationary source control necessary and that land use development controls would be implemented by the Cities, Counties, LAFCO, and Special Districts.

Lou Carlson
ABAG

briefly reviewed the developments of Baseline Case projections, stating that the scenario used attempted to contain development in the areas where local jurisdictions had indicated they have the service capability to accommodate growth, and that in the North Bay this includes specifically the Santa Rosa and Fairfield areas; that if a sewer was in the capital improvements program of a jurisdiction, it was included in the scenario; that those lands where service capabilities were in question, were excluded; that the proposal of higher density development in the transit corridor areas would probably be the most controversial.

On inquiry from Mr. Cooper as to whether the Model took into consideration background oxidant, Mr. Feldstein responded that the Model assumed meeting the 0.08 ppm standard whether there was background oxidant or not; that the background on a few occasions is 0.04 or 0.05 ppm; that if there is an 80% reduction, even with natural background, the standard of 0.08 ppm would be met, with which Mr. Leong agreed. Mr. Leong stated that natural background along with emission levels fluctuates widely; that background assumptions were made for hydrocarbons and oxides of nitrogen; that the figures used are average per day tonnages corrected for the particular season. Mr. Cooper stated that he felt the National Energy Policy was a significant control strategy to be looked at, to which Mr. Feldstein responded that even though more efficient use of fuels will be had by the lower weight cars, the emissions will not be affected because the cars must meet the standard.

Mr. Cooper referred to the Hydrocarbon Emission Trends Table in the AQMP Brief No. 3, stating he felt the assumption of increased organic

solvent ignored new technology, to which Mr. Leong responded that this was the baseline estimate of emissions with existing controls and that further controls have been assumed in the trend. Mr. Cooper stated that it would be difficult to justify regional control of land use if the Federal policy and future technology is not reflected in the trends, because they will have major impact. Mr. Feldstein responded by referring to the chart, "Optimistic" Estimates of Hydrocarbon Reduction from Alternate Control Programs, stating that stationary source control will produce the greatest reduction; that technological controls have been factored in. Mr. Cooper stated he had serious concern about the projections based on his experience with those for the airport; that the tendency when working on a regional level is to stress regional solution; that by recommending land use control, the impact of stationary and mobile source control was being underplayed, which could affect the entire economy of the Bay Area; that he would like a report on a scenario based on the Federal Energy Policy.

Ms. Tirsell stated that she had great apprehension about the Model because it does not show "worst day"; that she would discuss this further with Professor McCracken at the Lawrence Livermore Laboratory. She inquired if the Federal Energy Policy becomes law, if it could be included in the statistics used by the Model, to which Mr. Leong responded that the proposed energy programs would have no effect on air quality; that many of the programs deal with pricing policy.

On inquiry from Mr. Poznanovich, Mr. Feldstein outlined the procedure for adopting the Plan, stating that after the technical work has been completed, it goes to EMTF, thence to ABAG's General Assembly, thence to the regional agencies concerned; that it would be before the Board in mid-1978. Mr. Leong stated that within the next 30 - 60 days it is planned to have some tentative recommendations on an AQMP; that between September and December it is planned to integrate air quality maintenance with water and sewer, so that by the end of the year, there would be an integrated environmental plan.

Chairperson Chapman pointed out that the District should comment to EMTF within the next couple of months and after discussion, stated that the September 28 meeting would be devoted to the EMTF study report.

PUBLIC HEARING TO CONSIDER ADOPTION OF AIR RESOURCES
BOARD'S IN-STACK MONITORING REPORTING REQUIREMENTS

Mr. Callaghan briefly reviewed his report, Public Hearing to Amend §§3210.5 through 3210.11 of Regulation 2 to Conform to ARB Continuous In-Stack Monitoring Reporting Requirements, dated August 31, 1977. He pointed out that the District's present air monitoring regulation was patterned after the ARB model; that there were no substantial changes proposed in the attached amendment, and recommended the Board adopt them.

Chairperson Chapman opened the Public Hearing at 11:40 A.M.

Mr. Powell furnished to the Clerk nine Affidavits of Publication of Notice of Public Hearing.

The following made presentations:

Frank Strehlitz
Pacific Gas & Electric Company

In his comments quoted from a letter to Mr. Callaghan from Harmon Wong-Woo, ARB, in which he stated that a substantially equivalent regulation must be adopted. He presented PG&E's proposal to §3210.11(B)(e), pointing out that the District had already advised PG&E what in-stack monitoring reports would be required and on that basis PG&E had spent \$500,000.00 for computers to implement automated monitoring data procedures; that the proposed amendments would affect the reporting requirements for opacity. He reviewed the differences between the District's present requirements and that of the ARB; that if the Board adopted the ARB's version, PG&E would have to spend another \$50,000.00 and would not be able to make any reports until the summer of 1978, which would require seeking a fourth variance for its in-stack monitoring program. He requested the Board to adopt PG&E's amendment to the proposed amendment.

In discussion, Mr. Callaghan stated he felt that PG&E's proposal was a reasonable approach and could be adopted; that the ARB would determine whether it is substantially equivalent to that required by them.

On inquiry from Mr. Kenny as to why PG&E did not approach the ARB Board when the regulation was being adopted, Mr. Strehlitz responded that in their discussions with the ARB, reporting requirements were minimized.

Mr. Powell suggested an amendment to PG&E's proposal in (e) to read, "In lieu of the foregoing reports on opacity based on average opacity, the APCO may require . . .".

Chairperson Chapman closed the Public Hearing at 11:55 A.M.

Mr. Lemos moved the adoption of Resolution No. 1037, In the Matter of Amending Regulation 2 Relating to In-Stack Monitoring, to include PG&E's proposal as modified by Mr. Powell; seconded by Mr. Doetsch; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, CULLEN, DOETSCH, KENNY,
LANCE, LEIPZIG, LEMOS, McCORQUODALE, OLIVER,
POZNANOVICH, SANTANA, STEINBERG, TAMARAS,
TIRSELL.

NOES: NONE.

ABSENT: COOPER, KOEHLER, MOLINARI.

DISCUSSION OF PUBLIC UTILITY COMMISSION HEARINGS REGARDING
TERMINATION OF SOUTHERN PACIFIC PENINSULA COMMUTER SERVICE

Mr. Callaghan advised that the termination of the commuter service will have an effect on air quality and therefore the District should oppose

such discontinuation of service; that after discussion of the matter with the Chairperson of the Board, it was felt that a presentation before the PUC was a policy matter for discussion by the Board.

Mr. Chapman pointed out that EPA is encouraging the District to become more involved in air pollution in all areas.

Mrs. Steinberg stated that she was on a subcommittee of MTC with respect to future traffic corridors between San Francisco and San Jose; that it was important that the ridership accustomed to using the SP is not diverted until the three counties have formulated a long range plan, and she urged the Board to go on record opposing the termination.

Mr. Feldstein advised that the District has commented on the environmental data submitted by SP to PUC; that the peak hour traffic on Highway 280 would be increased by 15 - 23% and on Highway 101 from 16 - 18% if the service is terminated and that the impact on air quality would be increased during commute hours.

After further discussion, Mr. McCorquodale moved the adoption of Resolution No. 1038, In the Matter of Expressing the Position of the Board of Directors of the Bay Area Air Pollution Control District Concerning the Application of the Southern Pacific Transportation Company for the Discontinuance of Passenger Service Between San Francisco and San Jose, PUC #A57289, and the Public Utilities Commission's Investigation into the Reasonableness of the Application, PUC #10380; seconded by Dr. Bacciocco.

Directors Kenny and Bacciocco spoke in support of the motion.

The motion carried on roll call:

AYES: BACCIOTTO, CHAPMAN, CULLEN, DOETSCH,
KENNY, LANCE, LEIPZIG, LEMOS,
McCORQUODALE, OLIVER, POZNANOVICH,
SANTANA, STEINBERG, TAMARAS, TIRSELL.

ABSENT: COOPER, KOEHLER, MOLINARI.

Chairperson Chapman requested that a copy of the resolution be sent to the ARB, EPA, San Mateo County Transit District, ABAG, MTC; a copy to the Board of Directors together with the environmental data information submitted to the PUC.

Mrs. Steinberg left at 12:10 P.M.

CONSIDERATION OF APPROVAL OF THE ARB SUBVENTION
FOR THE 1977-78 FISCAL YEAR

Mr. Lemos moved the adoption of Resolution No. 1039, In the Matter of Authorizing the Air Pollution Control Officer to Submit a Final Application for Subvention to the Air Resources Board; seconded by Mr. Tamaras; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, CULLEN, DOETSCH, KENNY,
LANCE, LEIPZIG, LEMOS, McCORQUODALE, OLIVER,
POZNANOVICH, SANTANA, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: COOPER, KOEHLER, MOLINARI, STEINBERG.

STAFF ASSESSMENT OF INDUSTRIAL SITING REVIEW
BY ABAG AND STATE OFFICE OF PLANNING & RESEARCH

To be agendized for September 28, 1977.

Directors Bacciocco and Cooper left at 12:12 P.M.

REPORT OF AIR POLLUTION CONTROL OFFICER
D. J. Callaghan

1. Legislation

Mr. Callaghan presented a copy of AB-900 (Boatwright) - relating to environmental quality, stating it would be a two-year bill and was referred to the Committee on Resources, Land Use, and Energy.

2. Division Monthly Reports

The following reports were presented: Director of Enforcement Monthly Activity Report for August 1977; Director of Technical Services Monthly Activity Report, July 21 - August 24, 1977; Director of Engineering Services Monthly Activity Report, July 21 - August 19, 1977; Director of Public Information Monthly Activity Report, July 23 - August 26, 1977; Status of Legal Matters - July 22 - August 24, 1977; Controller's Appropriation Statement and Cash Position - July 31, 1977.

BOARD REFERRALS AND ACTIONS TAKEN REPORTS

The following reports were presented: Pending Referrals from Board of Directors, dated August 19, 1977; Summary of Actions Taken - Board of Directors, dated August 17, 1977.

COMMUNICATIONS

The following Communications were presented:

Joseph E. Bodovitz
Executive Director
California Coastal Commission

regarding Interim Allocation for Coastal Energy Impact Program.

W. H. Barr
Manager
Steam Generation Department
Pacific Gas and Electric Company

regarding the proposed Instack Monitoring Regulation and specifically opposing §3211 (B), pointing out the proposed reporting requirements differed from those requested by the Staff for whose requirements computers are now being installed and that if the Section is adopted the computers will have to be reprogrammed; and suggesting that future regulatory time schedules be keyed to the date upon which the ARB and EPA give their final acceptance to the District's regulation.

John C. Boutsikaris
Region Sales Finance Manager
Hewlett Packard

returning the executed Security Agreement with the District.

Victor G. Fisher
Engineering Services
Office of Air Pollution Control
State of Ohio Environmental Protection Agency

requesting copies of the District's regulations, and enclosing a form letter explaining the processing of application for certification of tax exemptions.

Michael Mitchell
Auditor-Controller
County of Marin

advising the final figure for the 1977-78 assessed valuation.

Robert E. Lorenzini
President
Siltec Corporation

advising of their current status of compliance with the NO_x Regulation.

San Francisco Bay Chapter
Sierra Club

enclosing a copy of the July 1977 issue of Perspective.

James V. Fitzgerald
Congress of Elected Officials
of San Mateo County

two letters regarding the action of its Executive Committee in adopting two projects - Self-Insurance/Risk Management and Annual Buy List for Cooperative Purchasing, and requesting the Board adopt a resolution directing the Staff to work with the Congress Task Forces providing information necessary to complete the projects; and adoption of the CEO resolution agreeing to support the communications portion of the Congress Budget.

Environmental Management Task Force

agenda for August 31, 1977.

Jack Benson
Corporate Industrial Design
Hewlett Packard

posing questions regarding the requirements of Regulation 3.

ABAG
Industrial Siting Task Force

agenda for September 2, 1977 meeting.

John T. Jones
Field Sales Manager
Monsanto Enviro-Chem

brochure on Mist Eliminators.

East Bay Regional Park District

Annual Report 1976-77.

Mrs. John V. Galgiani
Executive Director
International Hospitality Center

expressing appreciation for the District's cooperation in providing, at their request, information to a visitor from the Netherlands, and especially for Mr. Brand's assistance.

Charles L. Elkins
Deputy Assistant Administrator
for Noise Control
EPA

enclosing information on their Noise Labeling Standards, and notice of hearing in San Francisco on September 22, 1977.

Jerry D. Kent
Assistant General Manager
East Bay Regional Park District

advising that Adoption of Land Use Development Plan/EIR-
Briones Regional Park has been removed from the agenda
of September 6, 1977.

OTHER

On motion of Mr. Doetsch; seconded by Mr. Kenny; adopted Resolution No. 1040, In the Matter of Expressing the Appreciation of the Board of Directors of the Bay Area Air Pollution Control District to Alfred J. Nelder for his Services; carried on roll call:

AYES: CHAPMAN, CULLEN, DOETSCH, KENNY, LANCE,
LEIPZIG, LEMOS, McCORQUODALE, OLIVER,
POZNANOVICH, SANTANA, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: BACCIOCCO, COOPER, KOEHLER, MOLINARI,
STEINBERG.

- - -

Mr. Callaghan requested that the ARB Model regulation concerning storage tank emissions be referred to the Advisory Council for a report in three months and Mr. Poznanovich so moved; seconded by Mr. Tamaras; carried.

Chairperson Chapman stated that since this was a high priority, it would be listed as No. 2 on the tentative priority list.

- - -

Mr. McCorquodale referred to the Fund Balance - Available in the Controller's Statement in the amount of \$118,348.00 and inquired as to its disposition, pointing out that at the end of the 1976-77 Fiscal Year, there was approximately \$225,000.00 left in the account. Mr. Monaghan responded that at the end of the fiscal year, there was over \$400,000.00 in the account of which \$325,000.00 was used to finance this year's budget; that this was a continuing balance in the account.

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Mr. Kenny referred to the Executive Committee Referral with respect to the Governor making the fifth appointment to the ARB, stating that Supervisor Eric Hasseltine was a chemical engineer and inquired if he would meet the qualifications. Chairperson Chapman requested the Staff to determine whether Mr. Hasseltine had the necessary qualifications and if so, advise the Board.

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Mr. McHugh called attention to the plaques which had been made honoring the Chairpersons of the Board of Directors and Advisory Council. Chairperson Chapman requested the item be agendaized for the next Board meeting for discussion as to where they should be hung.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, September 21, 1977, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

The meeting adjourned at 12:20 P.M.

Respectfully Submitted,

Mabel Harder, Secretary

MH:cb

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AIR POLLUTION CONTROL DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIF. 94109

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SEP 21 1977

BOARD OF DIRECTORS

REGULAR MEETING

UNIVERSITY OF CALIFORNIA

Wednesday
September 21, 1977
10:00 A.M.

939 Ellis Street
San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P. Doetsch,
Sr., James P. Kenny, Ruth Koehler,
Elwon Lance, Marguerite Leipzig,
James Lemos, John L. Molinari,
Richard Oliver, Gerald M. Poznanovich,
Geraldine F. Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBERS ABSENT:

Daniel A. McCorquodale, Charles Santana.

ADVISORY COUNCIL MEMBERS
PRESENT:

Marshall A. Kent, Chairperson;
Robert J. Debs.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Hulan F. Brinkley,
Warren R. Crouse, Milton Feidstein,
Dario Levaggi, Donald A. Monaghan,
Edward W. McHugh, John F. Powell,
Mabel Harder.

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Chairperson Chapman called the meeting to order at 10:15 A.M.

Chairperson Chapman welcomed Supervisor Molinari from San Francisco, to the Board.

APPROVAL OF MINUTES OF SEPTEMBER 7, 1977

Mrs. Harder requested a correction on page 3, paragraph 3, line 6, to read, "for the entire program -----"; and on page 4, paragraph 3, to read, "Rune Carlson".

Mr. Kenny moved the approval as corrected; seconded by Mrs. Koehler; carried.

REPORT OF BUDGET AND FINANCE COMMITTEE

Mrs. Steinberg reported the Committee met prior to the Board meeting and recommends the adoption of the following Resolutions:

Resolution No. 1041, In the Matter of Authorizing the Chairman of the Board of Directors to Sign a Purchase Order in Amount Exceeding \$4,000.

Resolution No. 1042, In the Matter of Authorizing the Chairman of the Board of Directors to Sign a Purchase Order for Insurance Premium Deposit in an Amount Exceeding \$4,000.

Resolution No. 1043, In the Matter of Authorizing the Chairman of the Board of Directors to Execute a Purchase Order in Excess of \$4,000 for Hearing Board Chambers alterations.

and she so moved; seconded by Mr. Kenny.

In discussion, Mr. Poznánovich inquired how the District solicited for its insurance to which Mr. Callaghan stated that bids were solicited from 4-5 companies, two of which responded; that of the two there was approximately \$175,000 difference in the premium, the existing carrier submitting the lower bid.

Karl Grossenbacher
El Cerrito

Inquired as to the nature of the insurance to which the Resolution applied, and Mr. Monaghan reviewed the coverage.

Mr. Oliver arrived at 10:20 A.M.

The motion carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LEIPZIG, LEMOS, POZNANOVICH,
STEINBERG, TAMARAS, TIRSELL.

NOES: NONE.

ABSTAINING: OLIVER.

ABSENT: IANCE, MCCORQUODALE, MOLINARI, SANTANA.

REPORT OF ADVISORY COUNCIL
Marshall A. Kent, Chairperson

Mr. Kent reviewed the Report of Advisory Council, dated September 19, 1977.

Dr. Cullen reported that the Council at its meeting reviewed the Role of the Advisory Council, deferring further discussion until recodification was complete and the joint meeting of the Executive Committees of the Board and Council. He stated that Mr. McCormick, Chairperson of the Subcommittee on Regulation Consistency requested that the Board be alerted as to the changes proposed in the format, which he outlined, stating that the objective was to make it easier for persons affected to find the applicable Regulations; that the Committee met yesterday and discussed the distribution of the Regulations. He stated that the Board could be assured that when it receives the Regulations that a thorough job will have been done.

Mrs. Koehler moved that the Staff be directed to prepare a letter to EPA endorsing the Contra Costa County Health Department's Proposed Epidemiological Study of the Incidents of Cancer as related to Industrial Emissions in the Heavily Industrialized Parts of Contra Costa County, as recommended by the Council; seconded by Dr. Bacciocco; carried.

REPORT ON PROGRAM FOR BOARD MEETINGS IN VARIOUS COUNTIES

Mr. McHugh briefly reviewed the report, Night Meeting of Board of Directors, dated September 14, 1977. Mr. Chapman stated that the intent of the meeting was for informational purposes, primarily to receive suggestions from the citizens in the area. Mr. Kenny suggested that the Board of Supervisors of Solano County be invited to attend this meeting, to which Mr. Lemos responded that this would be done as well as industrial representatives. There was discussion as to how many Board members could be present, 5-6 members so indicated. Mr. Cooper suggested that the Staff in its presentation at the meeting furnish the proposed Trade-Off Regulation.

Chairperson Chapman requested Mr. McHugh to furnish the Directors a map of the location at the meeting in Fairfield.

REPORT ON COMPARISON OF DISTRICT AND STATE
CERTIFIED GASOLINE VAPOR RECOVERY SYSTEMS

Mr. Feldstein briefly reviewed the report, Vapor Recovery Report, dated September 15, 1977, specifically that portion entitled Impact of Vapor

Recovery Program. He pointed out that the Staff was of the opinion that it would not be cost - effective for the Board to require that the Gulf-Hasselman System be installed to upgrade the existing 4000 service stations. He reviewed Table I, Summary of Source Test Data on Phase II Recovery.

Mr. Feldstein stated that the Board might want to review the Regulation at a future time to require that first generation nozzles be replaced with the newer nozzle after the existing ones have been amortized.

Mr. Molinari left at 11:00 A.M.

Dean Simeroth
Acting Manager
Testing Sections
Stationary Source Control Division
ARB

in comments, stated that the District has been asked to consider upgrading its present system to the ARB's certified system; that the Gulf-Hasselman System was a vacuum assist system and the first certified; that approximately 6 other systems are undergoing testing and that the District is being asked to consider using whatever system becomes certified. He stated that they were presently testing a Balanced System and that it was doing very well and that if a Balanced System meets all their requirements it would be certified.

On inquiry from Mr. Cooper, Mr. Simeroth stated that ARB would like consideration given to requiring a system on the high throughput stations which would achieve more than 90 percent control.

On inquiry from Dr. Cullen, Mr. Simeroth stated that the ARB was considering changing its standards; that the ARB was not requiring new stations to install the certified system because it did not have any regulation requiring installation of any system; that Districts outside the Bay Area have amended their regulations to require certification of at least two systems before requiring the installation of a system.

Mr. Oliver referred to the letter received from Hasstech, Inc., dated September 16, 1977, Mr. Feldstein responding that the Staff will respond to it, and pointed out that the difference in cost between the Balance System and the G-H system is a minimum of \$5,000.

In discussion on the new stations constructed after July 1, 1976, Mr. Callaghan advised that 20 stations have conditional permits and that the ARB in its letter has indicated that these stations must install the certified system. Mr. Simeroth pointed out that the District could amend its regulation to require installation after two systems have been certified by the ARB.

Mr. Powell reviewed the events leading up to the District's adoption of a vapor recovery program, pointing out that State Law requires that after July 1, 1976 no vapor recovery system can be installed unless it is an

ARB certified system and that now that the ARB has certified a system it must be installed unless a variance is sought.

On inquiry from Mr. Cooper, Mr. Simeroth stated that the BAAPCD is the only one in the State requiring Phase II Vapor Recovery System be installed; that other Districts are waiting for two certified systems; that the District was the only one who had received such a letter from the ARB.

Mr. Cooper moved that the District inform the ARB that until there are further results from the certification, that the District is not considering adopting the Gulf Hasselman System; and that the Staff be requested to report later as to what should be done about the 20 new stations.

Chairperson Chapman took the motion under submission for discussion.

Mr. Feldstein advised that the 20 stations built since July 1, 1976 are operating with the Balanced System on the condition that when ARB certifies system, their present system would have to be updated.

There was discussion on what the requirements for new stations should be, Mr. Simeroth advising that the District could change its regulation to require that two systems be certified before installation is required, stating there would be no pressures from the ARB until there were two certifications. Mr. Powell pointed out that the Staff was opposed to imposing requirements on existing stations but not on new. Mr. Feldstein suggested that rather than amending the regulation, the permits issued to the 20 stations could be modified to require the installation of a certified system after two are certified, pointing out that the new stations presently have the Balanced System on them.

Mr. Simeroth reviewed the present systems under testing, stating this included 4 Balanced Type Systems.

Dr. Cullen pointed out that in view of the number of systems under consideration, in all fairness to the new stations and old, they should be given the option of access to all systems certified.

After further discussion, Mr. Cooper moved the District inform the ARB that at this time it considers the one system certified as wasteful in both gas and electricity so that the District did not intend to implement it at this point, and further, instruct the Staff to prepare a report on the options available to the Board with respect to all stations, and submit to the Advisory Council for its recommendation; seconded by Dr. Cullen.

In discussion, Mr. Oliver inquired if a station under construction would be allowed to put in a Balanced System which is not certified, pending ARB's approval of multiple systems, to which Mr. Callaghan responded that under the present Authority to Construct they would have to put in the certified system.

Mrs. Koehler pointed out that the letter from Mr. D. E. Hasselman indicates that the statement that their system is wasteful is not true; she opposed

referring the matter to the Advisory Council because of their workload.

Mrs. Steinberg suggested incorporating in the motion that the ARB be requested to give the District the same privilege and opportunity extended to other Districts that do not have the regulation, and request a letter from them agreeing to accept the change in the District's regulation that would allow the program to be deferred until there are at least two certified systems, which suggestion Mr. Cooper opposed.

Mr. Simeroth pointed out that the ARB would not have certified the G-H system if it were not a good one; that it destroys about 50% of the gas vapors and gives 95 percent or better efficiency.

Mr. Chapman inquired if there were anyone in the audience who wished to address the Board on the matter; the following did:

Karl A. Grossenbacher
El Cerrito

inquired as to the agency which had the authority to grant exceptions, to which Mr. Powell responded the ARB, and reviewed the Law with respect to their requirements after July 1, 1976.

D. E. Hasselmann
Hassstech, Inc.
San Diego

commented on the removal of vapors; that the cost for upgrading the Balanced System would more than offset the cost of the G-H System; and showed the nozzle used in his system.

Raymond F. Leather
Gulf Science and Technology Company
Houston

presented his letter to the Board dated September 20, 1977 and commented on several inconsistencies in the Staff's report; that the ARB report presented August 25, 1977 indicated that the difference in cost between the vacuum assist system and Balanced System was \$1,000.

In comments, Mr. Feldstein stated that the ARB report indicated that the cost to upgrade the present Balanced System is a minimum of \$7,000.

Mr. Oliver stated that since a certified system was available, the 20 new stations should install it; that he was concerned about the 4000 stations which had put in a system prior to July 1, 1976. There was discussion on the relationship between the dealers and oil companies, Directors Oliver and Cooper commenting thereon.

After further discussion, Chairperson Chapman divided the motion:

- (1) - Referred the matter to the Staff and requested them to investigate all possibilities, discussing the matter with

the ARB, vendors and others and report on solutions to best solve the problem for all stations.

The motion carried.

- (2) - Referred the matter to the Advisory Council as well as to the Staff.

Mr. Callaghan stated that this was a policy matter and that after discussion with Chairperson Kent it was agreed that it would take the Council 3 - 4 months to study. Mr. Cooper withdrew that part of his motion, with which Dr. Cullen agreed.

- (3) - Send a letter to the ARB.

Mrs. Steinberg moved a substitute motion to notify the ARB that at this time the BAAPCD Board believes that it would not be cost-effective for the District to require all stations to install the Gulf-Hasselman System, and that the District feels it is important to keep the options open as to which system should be required; and that it be kept open until two or more systems are certified by the ARB; seconded by Mrs. Koehler; carried.

The following letter was also presented to the Board:

Walter A. Dwelle
Marketing Manager
Beacon Oil Company
Hanford

urging that those stations on which the Balanced System has already been installed be excluded from the installation of the Gulf-Hasselman units, or other units for a period of 5-8 years, the time the Federal Government has allowed the write off of expenditures.

REPORT ON STATUS OF OFF-SET POLICY PROPOSAL

Mr. Callaghan called attention to the Proposal for a BAAPCD Trade-Off Rule, dated September 20, 1977, suggesting that it be referred to the Advisory Council for its consideration.

Mrs. Steinberg moved that the matter be continued until October 7, 1977; seconded by Mrs. Koehler.

Mr. Cooper moved a substitute motion that the matter be referred to the Advisory Council. There was no second.

Mr. Cooper moved a substitute motion to continue the matter until October 7, 1977 and refer the matter to the Advisory Council; seconded by Mr. Kenny.

Mr. Kent stated that he would refer the matter to the Ad Hoc Committee on Off-Set Policy, but that he doubted they could report by October 7.

The substitute motion carried on roll call:

AYES: BACCIOCCO, COOPER, CULLEN, DOETSCH, KENNY,
LANCE, LEMOS, TAMARAS.

NOES: CHAPMAN, KOEHLER, OLIVER, POZNANOVICH,
STEINBERG, TIRSELL.

ABSENT: LEIPZIG, MCCORQUODALE, MOLINARI, SANTANA.

Mr. Cooper left at 11:55 A.M.

CONSIDERATION OF LOCATION OF HONORARY PLAQUES

Edward W. McHugh

Mr. McHugh suggested that the plaques be affixed underneath the clock in the Board Room, and Mrs. Koehler so moved; seconded by Ms. Tirsell; carried.

LEGISLATIVE REPORT

D. J. Callaghan

Mr. Callaghan reported on AB-884 (McCarthy) - establishes time limitations when agencies are required to make a decision on permit applications.

AB-1194 (Bates) - requires each District to implement Air Pollution Control Plan of the Air Basin within 90 days.

AB-471 (Calvo) - there will be a meeting in Sacramento of the County Supervisor's Association and Air Pollution Officials with Assemblyman Calvo. Mr. Chapman requested that he be notified the date of such meeting.

COMMUNICATIONS

Richard Oliver, Secretary

The following communications were presented:

Jack Benson
Corporate Industrial Design
Hewlett-Packard

requesting clarification of the requirements of Regulation 3.

EMTF/Public Participation Committee

agenda for September 14, 1977.

EMTF/Plan Implementation Committee

agenda for September 14, 1977.

EMTF

agenda for September 14, 1977.

Charles Kinney
Counselor
Associated Building Industry of Northern California

enclosing a copy of letter to Mr. Gene Leong, ABAG and Table 5 -
Elements of Comprehensive AQMP Strategy.

Samuel H. Digiacomo, Jr.
Citizens Advisory Committee
Department of Motor Vehicles
Corte Madera

supporting the continuation of the Vehicle Patrol, stating that the California Highway Patrol does not seem to be overly concerned about the matter of visual emissions from motor vehicles; that the District's program was cost effective and that if funds were a problem, he suggests the District contact the Secretary of the Resources Agency because funds are available under the Environmental License Plate Program for environmental protection projects.

Thomas C. Austin
Deputy Executive Officer
ARB

copy of letter to Mr. Callaghan regarding Recodification of New Source Review Rules, suggesting changes thereto.

D. E. Hasselmann
Hasstech, Inc.
San Diego

correcting what he terms misstatements regarding the Hasselmann VCP-2 Vapor Recovery System made by the District Staff at the Board meeting on August 17, 1977.

Mr. Lemos and Mrs. Steinberg left at 12:05 P.M.

OTHER

Mr. Poznanovich inquired as to when the EMTF Plan will be discussed, stating that Sonoma County was interested in this, to which Chairperson Chapman responded that the September 28 meeting of the Board would be devoted to it; that the EMTF will be meeting on October 12 to discuss the Air Quality Maintenance Plan.

- - -

Mr. Callaghan advised that the Institute for Manpower Management requested that the \$50/D penalty clause after May 1, 1978 be extended to June 1, 1978 requested by the Board, and he so recommended.

Ms. Tirsell stated that the Personnel Committee's concern with this matter

was not to penalize the company for a late Report but rather that the employees would not have any document to work with when negotiations started in February; that there was need to extend the negotiation period.

After further discussion, Dr. Bacciocco moved the adoption of Resolution No. 1044, In the Matter of Authorizing the Chairman of the Board of Directors to Execute an Agreement with Institute for Manpower Management; seconded by Mr. Kenny; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, CULLEN, DOETSCH,
 KENNY, KOEHLER, LANCE, LEIPZIG,
 OLIVER, POZNANOVICH, TAMARAS, TIRSELL.

NOES: NONE.

ABSENT: COOPER, LEMOS, MCCORQUODALE, MOLINARI,
 SANTANA, STEINBERG.

There was discussion on whether the Personnel Committee should discuss the matter of changing the negotiation period to June 1, 1977, Mr. Powell advising that the Administrative Code provides that if the Board agreed the negotiation period could be extended.

- - -

Mr. Callaghan advised that the Fair Political Practices Commission has notified the District that the Department of Consumer Affairs will review the District's Proposed Conflict of Interest Code October 18 - 20, 1977 and that the Advisory Council should be so advised because of their interest in this matter.

Dr. Bacciocco moved that the Advisory Council be so notified; seconded by Mrs. Koehler; carried.

- - -

There was discussion on the fact that League of California Cities was meeting September 25 - 28 which would affect attendance of Council members at the Board's next meeting.

- - -

Mr. Callaghan advised that the APCA West Coast Section would be meeting at Lake Tahoe October 11 - 14, 1977 and requested Directors to advise him if they wished to attend.

The following reports were presented:

Pending Referrals from Board of Directors dated September 12, 1977;
Board Referrals to Advisory Council dated September 15, 1977;
Summary of Action Taken - Board of Directors dated September 7, 1977.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, September 28, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:15 P.M.

Respectfully submitted,

Mabel Harder
Secretary

MH:se

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SEP 28 1977

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BOARD OF DIRECTORS

REGULAR MEETING

Wednesday
September 28, 1977
10:00 A.M.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr.,
Sam Chapman, Fred F. Cooper,
Stuart C. Cullen, Ralph P.
Doetsch, Sr., Ruth Koehler,
James Lemos, Daniel A. McCorquodale,
Gerald M. Poznanovich, Charles
Santana, Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT:

James P. Kenny, Elwon Lance,
Marguerite Leipzig, John L. Molinar,
Richard Oliver, Geraldine F.
Steinberg.

ADVISORY COUNCIL MEMBERS PRESENT:

Robert J. Debs, Jack C. Oppenheimer.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Warren R. Cronin,
Milton Feldstein, Dario Levaggi,
Ralph Mead, Donald A. Monaghan,
Edward W. McHugh, Louis Robinson,
John F. Powell, Mable Harder.

Chairperson Chapman called the meeting to order at 10:10 A.M.

APPROVAL OF MINUTES OF SEPTEMBER 21, 1977

The Minutes were not available.

CONTINUED REPORT AND DISCUSSION OF ABAG'S ENVIRONMENTAL
MANAGEMENT PROGRAM - ABAG, MTC AND STAFF

Mr. Feldstein presented an Agenda for AQMP Discussion:

1. Overview - District Staff

Mr. Feldstein briefly reviewed the Air Quality Maintenance Plan as contained in the Progress Report on The Draft Environment of Management Plan dated September, 1977. He stated that the trends of Ozone starting with late 1950 show diminution of the number of days in which the oxidant standard has been exceeded, and also in the intensity, but that the District was still not meeting the standard; that projections indicate that if emissions grow, by 1985 the trend will show an increase again; that 1975 hydrocarbon emissions were 1023 T/D; that the 1985 projections are 797 T/D; and projections for the year 2000, 1058 T/D.

Mr. Santana arrived at 10:15 A.M.

He reviewed the four new strategies proposed as contained in the Progress Report, pointing out that the Stationary Source Program becomes the major one with respect to hydrocarbon reduction; that in excess of \$1 billion will have to be spent if all the strategies are implemented; that the LIRAQ Modeling is now being run on the impact of the strategies on the Northern Counties.

2. AQMP Strategies - ABAG Staff

Gene Leong
ABAG

Presented an overview of AQMP's efforts over the past year.

Mr. Cooper arrived at 10:20 A.M.

He stated that in the development of the Plan, the Staff did an analytical analysis to forecast the trends with all the technological controls, and tried to develop the control strategies that would be necessary for an overall plan to meet and maintain the standards, specifically oxidant; that when the Staff advised that even if all the programs were achieved, the oxidant standard would not be met, EMTF directed Staff to determine additional measures that could be implemented in order to meet the standards; that on October 12, 1977 such measures will be presented, which include taxation, fuel rationing, energy conservation, additional organic solvent regulations, reexamination of the many exceptions, especially for some of the smaller businesses, banning of all small gas motors and electrifying them, lightering operations, additional transportation controls - trucks, additional land use management measures.

He reviewed the land use management and transportation controls measures as contained in the Plan, stating that it has been demonstrated that air quality improvement can be obtained from such controls; that this can be done by shifting growth from the suburbs to urban centers; balancing jobs and housing; encouraging development of unimproved land next to urban areas with existing or committed urban services relating to sewer and water capabilities.

3. Policy 12 - North Bay Urban Development - ABAG Staff

Mr. Chapman advised that he had proposed an amendment to Policy 12 as contained in the Plan which was not adopted by the EMPF, as follows:

Encourage Compact Urban Development by infilling in already urbanized areas of North Bay Jurisdictions where urban service capacity exists, consistent with local general plans.

Rune Carlson
ABAG

Reviewed his report, Clarification of the Compact Development Alternative Developed for The AQMP dated September 27, 1977, specifically reviewing Tables 1, 3, 4B.

Dr. Bacciocco expressed concern that the primary sources of information on which the report was based needed to be assessed and that differences of opinion needed to be documented also; that there was a need for a comprehensive and thorough going research and that if the Board disagreed with it, it should be noted in a footnote; that research analysis by government, business and unions should not be relied on.

Dean Macris
ABAG

Advised that the report is a representation of existing public policy, and reflects Cities and Counties view towards development in growth.

Mr. Cooper pointed out that the projections to the year 1990-2000 were projections of what is happening today and that many things can affect those projections; that 60% of the families in the Bay Area want to live in single family homes and commute to work, which was a major factor and a trend difficult to stop. Mr. Carlson pointed out that this trend could be turned around if growth were limited to existing sewer and water facilities.

There was discussion on the implementation of the Inspection - Maintenance Program for Vehicles.

On inquiry from Mrs. Koehler with respect to Policy 13-- Land Use Controls, Mr. Carlson stated it was desirable to make best use of those locations for which local jurisdictions have already provided services; that serviceable land is running out and what was being proposed in Santa Clara County was in keeping with what is being done by that County utilizing the urban service concept.

4. Modeling Results - District Staff

Louis Robinson
Chief of Research and Planning
BAAPCD

Reviewed the LIRAQ Model, pointing out it was necessary to have good software and data management; he reviewed the information presented to the Board at its meeting on September 7, 1977, stating that subsequently two additional Models had been made; that ozone regionwide is projected to be 0.075 ppm/Hr. under maximum control strategy for the year 2000; using a worst case it will be 0.095 ppm/Hr.; that it is not as effective to reduce oxides of nitrogen in conjunction with hydrocarbons as it is to reduce hydrocarbons alone; that the model is based on data from three sheltered valleys in the District.

Mrs. Koehler inquired as to the precision of a 0.10 ppm oxidant reading from a monitoring station, to which Mr. Robinson stated that the standard variation is on the order of 0.01 ppm; that it was possible for an oxidant monitor to distinguish between 0.06 and 0.05 ppm.

On inquiry from Mr. Cooper as to the effects turbulence has on the readings, Mr. Levaggi stated that the District's experience does not indicate any difference, stating that the District has samples from 8-10 sites for two years with two different kinds of monitors, with comparable results.

On inquiry from Mr. Cooper, Mr. Robinson stated the computer strategies are combinations and permutations; that the assumptions are documented in Tech. Memo 7. Mr. Leong stated that in the strategy analysis, the Staff had basically divided the 9 strategies into technical solutions and transportation - land use solutions, and short and long terms solutions and combinations thereof; that he doubted there would be an electric car by 1985, but that possibly by the year 2000 20-40% of the market might be such cars.

Mr. Cooper expressed concern that not enough different scenarios were chosen; that projections to the year 2000 was not possible, that the District should not attempt to do the impossible just because Federal and State governments state it should; that more time and money were needed to project to the year 2000.

5. Transportation Plan - MTC Staff

Paul Bay
MTC

Outlined the role of MTC and transportation in air quality, stating this was the first time there has been a relatively hard nosed comprehensive analysis made on a quantitative basis involving transportation agencies, ARB, District, ABAG; that with respect to traffic control measures, MTC has advocated need for policy to reduce dependence on the automobile, reduced VMT and increase transit usage.

Dr. Bacciocco left at 12:05 P.M.

Mr. Bay stated there was a need to combine transportation control and land use measures so that reduction can be achieved; that there was no way to justify transportation control measures only for the purpose of clean air. He outlined the measures required by the Clean Air Act of 1970 and the backlash from the Plan developed to achieve the requirements; that the State Implementation Plan has never been accepted; that MTC adopted a Plan and submitted it to the ARB as an amendment to the SIP, but that this has never been submitted to EPA; that EPA's Implementation Plan for the State is still in effect; that MTC once a year does a consistency assessment, during which MTC assesses what is happening in transportation.

Mr. Lemos left at 12:10 P.M.

On inquiry from Mr. Chapman, Mr. Bay stated that a letter had been directed to the ARB with respect to transportation measures and assessments but that a response had not been received from them although Cal-Trans responded; that the current understanding of their position is that if AQMP becomes adopted and submitted to EPA that this would form the basis for the transportation plan for MTC and for the traffic control plan which will be implemented.

6. Implementation - ABAG Staff

George Hagivek
ABAG

In comments advised that the Plan Implementation Committee meets today; that it is reviewing how to pay for the various control measures, who is going to be responsible for implementing them and the establishment of a continuing planning process as required under the Federal Register; that the Committee is discussing the consolidation of regulatory agencies in the Bay Area such as MTC, BAAPCD, and ABAG; the continuation of EMTF; and representation from regulatory agencies and special districts on ABAG's Executive Board; that the Committee will make its recommendation to the EMTF; that there is a need for a regional mechanism

for making land use decisions and for providing financing for such planning.

7. Comments on Implementation - District Staff

Ralph Mead
Senior Planner

In comments stated that reduction in emissions must come from stationary sources, pointing out that by the year 2000 the projections are that there would be 25-30% reduction in organic emissions from said sources, whereas the reduction from all other measures would be 12-17%; that for the year 1985, it is projected there would be a 25% reduction from stationary sources and 6.5 - 9% from all others; that continual planning effort will be monitoring to determine if the program is being met on the controls adopted; that it was important for the Board to consider what role the District will play in the process; that with respect to financing one suggestion is contributions from the District using the Permit Fees; thus additional fees will have to be levied on industry to finance the Plan.

Chairperson Chapman requested a continual assessment of the AQMP and stated the Staff's report on the District's role would be continued to October 5, 1977.

STAFF ASSESSMENT OF INDUSTRIAL SITING REVIEW BY ABAG AND
STATE OFFICE OF PLANNING & RESEARCH

Continued to October 5, 1977.

COMMUNICATIONS
Richard Oliver, Secretary

The following communications were presented:

D. C. Richardson
Plant Manager
American Can Company

requesting Board give consideration to a proposal which would permit American Can Company to make substantial reductions in the use of energy by giving permission to shut off two oven afterburners and reduce temperatures of 6 other afterburners; that data has been submitted to the Staff supporting their request.

EMTF/Plan Implementation Committee

Agenda for September 28, 1977

John T. Mauro
General Manager
San Mateo County Transit District

acknowledging receipt of Board's resolution to PUC with respect to Southern Pacific discontinuing its commute service advising they have taken action on the matter and are involved in formal litigation, and enclosing copy of their resolution opposing SP's application to PUC.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, October 5, 1977, 939 Ellis Street, San Francisco, California.

ADJOURNMENT

On motion by Mr. Tamaras seconded by Mrs. Koehler, the meeting adjourned at 12:30 P.M.

Respectfully submittee

Mabel Harder, Secretary

MH:mg

A/581

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AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
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OCT 11 1977

BOARD OF DIRECTORS

REGULAR MEETING

UNIVERSITY OF CALIFORNIA

Wednesday
October 5, 1977
10:00 A.M.

939 Ellis Street
San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr., Sam Chapman,
Fred F. Cooper, Stuart C. Cullen,
Ralph P. Doetsch, Sr., Ruth Koehler,
Elwon Lance, James Lemos, Daniel A.
McCorquodale, John L. Molinari,
Richard Oliver, Charles Santana,
Geraldine F. Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBERS ABSENT:

James P. Kenny, Marguerite Leipzig,
Gerald M. Poznanovich.

ADVISORY COUNCIL MEMBERS
PRESENT:

Robert J. Debs, Ruth Church Gupta,
Jack C. Oppenheimer.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan F. Brinkley, Thomas R. Crawford,
Warren R. Crouse, Milton Feldstein,
Richard W. Grieves, Dario Levaggi,
Donald A. Monaghan, Edward W. McHugh,
John F. Powell, Douglas Winget, Mabel
Harder.

- - -

Chairperson Chapman called the meeting to order at 10:05 A.M.

APPROVAL OF MINUTES OF SEPTEMBER 21 AND SEPTEMBER 28, 1977

Approval was deferred until the next Board meeting.

REPORT OF EXECUTIVE COMMITTEE
Sam Chapman, Chairperson

Vice Chairperson McCorquodale reported that the Committee met prior to the Board meeting and approved Out-of-State travel to the West Coast Section of APCA at Lake Tahoe; and deferred discussion of the Recommendations of the various Subcommittees until the Committee's next meeting.

Ms. Tirsell arrived at 10:06 A.M.

Mr. Oliver arrived at 10:07 A.M.

REVIEW OF CLEAN AIR ACT AMENDMENTS OF 1977

Dave Souten and Phil Wondra
EPA

reviewed their written, Presentation on Clean Air Act Amendments of 1977, dated October 5, 1977, using slides.

Mr. Molinari arrived at 10:10 A.M.

Mr. Wondra pointed out that all standards must be met by 1982 but that there could be an extension to 1987 for oxidant and CO, but that this must be demonstrated in the 1979 Implementation Plan; that "reasonable progress" is defined as more reduction in the early years than in the later years; that the 1979 Plan must show that reasonable progress is being made.

In discussion, Mr. Wondra stated that in those areas in which the standards have been reached, or where there has been reasonable progress towards meeting them, air grants will be received; that the AQMP should satisfy the 1979 requirements; that EPA will approve the Plans area by area; that there have been no Class I areas designated by Congress for the Bay Area, which has been classified as Non-Attainment; that the entire county is designated as Class II. There was discussion on the definition of "Lowest Acceptable Emissions Rate", Mr. Souten advising that this is defined in the Act as "determined by what is used throughout the world", and he read the definition thereof, as well as the definition of "Lowest Achievable Emission Rate".

Chairperson Chapman requested Mr. Souten to furnish a letter outlining the definitions of, Best Available Control Technology, Lowest Achievable Emission Rate, Reasonable Available Control Technology.

Mr. Cooper requested that the letter also give examples of practical applications of the new language with respect to New Source Review.

There was discussion on the allowance for economic considerations in the new language, Mr. Souten advising that these would be under the need for good control technology but that trade-off would also be allowed under the different strategies in the 1982-89 time frame. In discussion of the trade-off rule, Mr. Souten stated that even though EPA had a Trade-Off Rule, the District did not need to have one; that in 1979 a new State Implementation Plan must be submitted and that there was a good possibility that the New Source Review Program may have to be reexamined with respect to that new Plan; that the basic requirement is that the District have a New Source Review Program that precludes any new source being constructed that would interfere with the maintenance or attainment of the standards.

Mr. Tamaras arrived at 10:40 A.M.

In review of the Motor Vehicle Pollution Control, Mr. Souten advised that the ARB may have a more stringent standard on a net benefit basis; that within six months of the passage of the Act, EPA must furnish a document that determines the effectiveness and implementation of several types of transportation controls, including inspection and maintenance programs.

On inquiry from Mr. Callaghan, Mr. Souten stated he felt the District could require an Authority to Construct and Permit to Operate for Federal facilities, but that he would respond in writing with respect thereto.

On inquiry from Mr. Powell, Mr. Souten stated that EPA will not be proposing State Implementation Plans, but will continue to review those regulations which they feel inappropriate and devise better regulations; that he did not believe EPA would propose an attainment plan for the State of California.

CONTINUED DISCUSSION OF AIR QUALITY MAINTENANCE PLAN

Mr. Feldstein presented the EMTF Staff report, Governmental Organization and Financing, dated September 21, 1977, and a chart entitled, "Optimistic" Estimates of Hydrocarbon Reductions from Alternative Control Programs, undated, and reviewed them. In his comments, he stated the District should have a major role in determining the implementation and financing, since stationary source control is the major part of the program and that this should be expressed to the Plan Implementation Committee and EMTF.

Mr. Feldstein stated that the Staff recommended that the Board direct it to prepare a report of options available to the Board relative to the questions on implementation, both institutional and financial, after which the Board can decide the options it wishes to recommend. Mrs. Koehler so moved; seconded by Dr. Cullen.

In discussion, the Board requested the Staff to present said report by November 16, 1977.

The motion carried.

ASSESSMENT OF INDUSTRIAL SITING REVIEW BY ABAG
AND STATE OFFICE OF PLANNING AND RESEARCH

Ralph Mead
Senior Planner

pointed out that this task force was established on direction of the State Office of Planning and Research to identify possible industrial sites in the Bay Area and to assist industry as to where they could best locate; that a final report will be prepared for adoption in January 1978 and will be submitted to OPR by March 1, 1978. He reviewed the work plan stating it involved mapping of sites, data gathering for environmental, economic and social aspects; defining "regional industries" and what industries should be involved, size and nature; criteria for industrial siting and permit process. He stated there has been less than total agreement on what the objectives of the study are; that OPR wanted ABAG to designate specific sites but that ABAG staff is interested in the criteria for specific sites and the permit procedures. He stated that an economic analysis has been done with respect to New Source Review, and he read from a report with respect to permit processing in which a number of alternatives were suggested, including a permit registrar, master application, permit coordinator, consolidated public hearings, regional siting council, and appeals board. He read from an ABAG Staff report summarizing the problems, stating that from an air quality standpoint, no sites in the Bay Area are desirable.

Dr. Cullen expressed concern that identifying specific sites would encourage land speculation. Ms. Tirsell replied that the Executive Committee of ABAG felt that if it did not develop specific sites, OPR would. Mr. Callaghan pointed out that a number of agencies wish to take over the District's activities and a news clip from the Oakland Tribune dated September 29, 1977 entitled "Regional Government?" was presented to the Board with respect thereto.

A tear sheet from the New York Times summarizing an article by Professor Bruce A. Ackerman, Yale University, commenting on EPA's lack of control of automotive emissions was presented.

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Mr. Callaghan introduced Mr. Reed Cronin, a former member of the Advisory Council.

DISCUSSION OF TRADE-OFF POLICY

Mr. Feldstein reviewed the proposed Trade-Off Rule, as contained in the APCO's memorandum dated October 5, 1977, stating that it has been referred to the Ad Hoc Committee on Off-Set Policy as well as the Subcommittee to Review Regulation 3.

Mr. Cooper requested the Staff to prepare a report comparing the proposed rules with those in the South Coast Basin.

Messrs. Molinari and Tamaras left at 11:25 A.M.

Mr. Feldstein outlined a New Source Review conducted by the Staff on PG&E's proposed combined cycle power plant as requested by the Energy Commission, and determined that it would be possible for them to get a permit from the District under the proposal outlined but that ARB intervened in the process, stating that no permit should be issued unless there were a trade-off, the Energy Commission then becoming concerned as to whose Regulations applied. Mr. Feldstein pointed out that the Energy Commission had authority on this particular project to impose a trade-off; that it can impose conditions with respect to the location of a power plant; that it could impose more stringent air quality standards than those of the District.

On inquiry from Mrs. Steinberg, Mr. Feldstein outlined the requirements of §1309, Regulation 2, and the theoretical model used in making the determination with respect to PG&E's proposed plant. He pointed out that EPA and ARB requires any source that emits 100 T/Y or more must undergo a trade-off before being granted a permit; that the Staff was proposing that §1309 be amended to automatically deny a permit to any such source, thus requiring the trade-off provision to apply.

On inquiry from Mr. Cooper, Mr. Feldstein stated that the Staff's proposal defined "major source" and eliminated the term, "significant".

In discussion, Mr. Feldstein stated that best available control technology would be applied for construction, the definition of which the ARB is determining; that the proposed rule provides that a source must make a 20 percent reduction in emissions; that the reduction has to occur from the base line, which he reviewed; that it is the applicant's responsibility to certify the emissions by source test data. Mr. Powell stated that under the proposal, the new source would be held responsible for any excesses caused by the old source; that the permit issued to the new source would have conditions with respect thereto.

Mrs. Steinberg left at 12:00 P.M.

Mr. Lemos expressed concern that the proposal would preclude any new industry coming into the Bay Area, to which Mr. Feldstein responded that the New Source Review requirements are being required throughout the United States; that it would improve conditions under which industry can come in and at the same time improve air quality, pointing out that only 100 T/Y sources are involved.

Mr. Cooper suggested the Staff determine what trade-offs have taken place in other States; that he felt 120 T/Y proposed reduction should have an appeal procedure attached thereto.

REPORT ON FIBREBOARD ABATEMENT ACTION SETTLEMENT

Mr. Powell reviewed the APCO's report, Fibreboard Corporation Abatement Action Settlement, dated September 29, 1977, including the Hearing Board Orders attached thereto; that the installation of the equipment brought the company into compliance and that said equipment cost in excess of \$520,000.

Mr. Cooper left at 12:10 P.M.

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On inquiry from Mr. McCorquodale with respect to Kaiser Cement & Gypsum Corporation application before the Planning Commission of Santa Clara County for a change of its Used Permit to use Coal, Mr. Feldstein responded that an application has not been submitted to the District but that an EIR has been submitted with respect to air quality, which the Staff found to be inadequate for permit evaluation but that the Staff would comment to the Planning Commission as to the accuracy of the figures.

Directors Koehler and McCorquodale requested a copy of the Staff's response to the Planning Commission.

REPORT OF AIR POLLUTION CONTROL OFFICER
D. J. Callaghan

Mr. Callaghan advised that AB-884 (McCarthy) - 18 months consolidated review procedure - was signed by the Governor and will be effective January 1978. Mr. Chapman requested a copy of the Bill be sent to him.

DIVISION MONTHLY REPORTS

The following reports were presented:

Director of Enforcement Monthly Activity Report for September 1977;
Director of Technical Services Monthly Activity Report, August 25-September 21, 1977;
Director of Engineering Services Monthly Activity Report, August 21, 1977 to September 20, 1977;
Director of Public Information Monthly Activity Report, August 27, 1977-September 23, 1977;
Status of Legal Matters - August 25, 1977 - September 22, 1977;
Controller's Appropriation Statement and Cash Position, August 31, 1977.

COMMUNICATIONS
Richard Oliver, Secretary

The following communications were presented:

ABAG
Industrial Siting Task Force

agenda for October 7, 1977 meeting.

Harmon Wong-Woo, Chief
Stationary Source Control Division
ARB

copy of Proposed Rule regarding the storage of organic liquids for the BAAPCD; Hearing thereon to be October 28, 1977.

Michael R. Cowles
Chevron U.S.A.

commenting on statements on the vapor recovery system presented at the September 21, 1977 Board meeting, which he feels were incorrect, stating that certification data had been requested from CARB and that information had been requested from Mr. Hasselman also, but that to date no information has been provided.

United States Department of Commerce
Bureau of Census

census form asking for information of financial transactions and employment.

Barbara Blum
Deputy Administrator
EPA

expressing appreciation for Chairperson Chapman's communication regarding excessive reporting requirements presently mandated and advising that a Steering Committee on Reducing Reporting has been established and that Mr. Chapman's letter had been forwarded to them for consideration and personal contact.

Ann A. Gage
Deputy Director
MTC

acknowledging receipt of the Board's Resolution expressing opposition to the discontinuation of ST commuters service and advising that MTC will be testifying in opposition to the termination.

A. T. Huezo
City Clerk
City of Fremont

copy of Newark Redevelopment Plan for Project Area No. 1, and supporting documents.

Henry Tarratt, Chairman
Congress of Elected Officials of San Mateo County

enclosing questionnaire to assess the interest and possible participation in their proposed project.

OTHER

The following reports were presented: Summary of Actions Taken-Board of Directors, September 21, 1977; AQMP Annotated Bibliography of AQMP Products dated September 1977.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, October 19, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:30 P.M.

Respectfully submitted,

Mabel Harder, Secretary

MH:se

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BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

1977

BOARD OF DIRECTORS

UNIVERSITY OF CALIFORNIA

REGULAR MEETING

Wednesday
October 19, 1977
10:00 A.M.

939 Ellis Street
San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Sam Chapman, Fred F. Cooper, Stuart
C. Cullen, Ralph P. Doetsch, Sr.,
James P. Kenny, Ruth Koehler, Elwon
Lance, Marguerite Leipzig, James Lemos,
Daniel A. McCorquodale, Richard Oliver,
Gerald M. Poznanovich, Charles Santana,
Geraldine F. Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBERS ABSENT:

Edward J. Bacciocco, Jr., John L. Molinari.

ADVISORY COUNCIL
MEMBERS PRESENT:

James M. Bodie, Robert J. Debs,
Jack C. Oppenheimer.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Elvan Babylon, Thomas
F. Bell, Hulan F. Brinkley, Warren R.
Crouse, Milton Feldstein, Dario Levaggi,
Edward W. McHugh, John F. Powell,
Mabel Harder.

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Chairperson Chapman called the meeting to order at 10:05 A.M.

APPROVAL OF MINUTES OF SEPTEMBER 21, 28 AND OCTOBER 5, 1977

Mr. Callaghan requested a correction in the Minutes of September 21, 1977, page 10, paragraph 7, line 2 to read, "notified the District that it will review the District's Proposed Conflict of Interest Code-----and that the meeting will be held in the Department of Consumer Affairs-----".

Mr. McCorquodale moved that the minutes of September 21, 1977 be approved as corrected, and the minutes of September 28 and October 5, 1977; seconded by Mr. Kenny; carried.

REPORT ON ENVIRONMENTAL MANAGEMENT TASK FORCE
Sam Chapman, Chairperson

Chairperson Chapman reported that the EMTF met on October 12 and discussed the AQMP and proposals made to date; that it approved a report from the Committee on Plan Implementation, that the Plan be implemented in the first two years by existing agencies and that EMTF continue as a planning body; that the Staff will review the Indirect Source Review and make a report; that there was general direction to the Staff to abolish the policy statements regarding encouraging urban development in the north Bay and restricting it in the south Bay, the Staff being requested to combine this into a general statement.

Chairperson Chapman requested the Staff to obtain the tabloid outlining the Plan and dates set for the meetings thereon, and send to each Director.

SET PUBLIC HEARING FOR CONSIDERATION OF CHANGE
IN HEARING BOARD FEE SCHEDULE

Mr. Callaghan pointed out that the Hearing Board had suggested possible modifications to the Hearing Board filing fees; that the Staff was directed to meet with them to discuss the matter; that two such meetings took place at which mutual agreement had been reached.

Mr. Cooper arrived at 10:15 A.M.

Mr. Powell briefly outlined the proposed changes to the filing fees, stating that it is suggested the basic filing fee be reduced from \$500 to \$300; for short-term variances - \$100; no fees for approval for Schedule of Increments, variance revocation, and permit matters.

Mrs. Koehler moved the public hearing on amending the Hearing Board filing fee schedule be set for December 7, 1977; seconded by Mr. Doetsch; carried.

Mr. Oliver arrived at 10:19 A.M.

DISCUSSION OF ARB MODEL REGULATIONS ON ARCHITECTURAL
COATINGS AND STORAGE OF ORGANIC LIQUIDS

Mr. Callaghan briefly reviewed his report, ARB Model Regulations, dated

October 13, 1977, with respect to ARB Model Regulation on Architectural Coatings, advising that a Committee had been established to develop said Regulation on which there were representatives from the paint industry and Air Pollution Control Districts; that it would be advisable for the District to adopt this proposed Model Regulation since it has already being adopted by the South Coast Basin APCD and thus making it easier for the manufacturers in the two metropolitan areas to have the same regulation to which to adhere.

Mr. Feldstein briefly outlined the provisions in the proposed Model Rule, stating that it will reduce emissions but not seriously interfere with the properties of paints which the manufacturers deem necessary; that the South Coast Basin Rule exempts small manufacturers, those selling less than 500,000 gal/Y, which the District feels acceptable; that the proposed Rule allows two years for compliance, which was extended to three years in the South Coast Basin; that the Rule has been discussed with the manufacturers who feel it should apply to flat and semi-gloss paints rather than exterior and interior paints and that information thereon is to be received from the manufacturers shortly; that the Advisory Council is reviewing the Rule under the recodification process.

In reviewing the proposed regulation on Storage of Organic Liquids, Mr. Callaghan advised that the ARB had adopted such a regulation for the South Coast Basin on August 15, 1977; that on August 25 the ARB requested the District to consider amending its regulation to make it consistent with the ARB Rule; that the matter was referred to the Advisory Council on September 9, 1977 for a report in 90 days; that on September 28, 1977 the District received a notice of public hearing from the ARB that on October 28 it intended to adopt said regulation for the District. He pointed out that the ARB has not given the District an opportunity to review the proposed regulation and consider it for adoption; that the proposed rule would take a great deal of enforcement time and cost which has not been recognized by the ARB.

Mr. Feldstein in outlining the provisions of the proposed regulation, stated the Staff disagreed with some of the data contained in the ARB report; that the requirement of secondary seals will substantially reduce the organic emissions from 600 tanks presently emitting 19 T/D of organic compounds to approximately 15 T/D; that the proposed regulation also has a gap requirement.

Mr. Brinkley briefly reviewed the difficulties and cost in connection with enforcing the gap requirement, stating that it would involve three inspectors and cost approximately \$75,000 a year; that yearly inspections must be made.

On inquiry from Mrs. Koehler, Mr. Feldstein stated that a report submitted at the APCA meeting on a study conducted with respect thereto, indicated that with a secondary roof, the gap requirement is not that critical, but that the ARB persist in having the gapping criteria in the regulation.

There was discussion on the content of the District's presentation before the ARB at the public hearing on October 28, Mr. Cooper pointing out that

if industry is expected to spend a lot of money for very little improvement, this needs to be taken into consideration; Mr. Poznanovich suggesting that the ARB be advised that the District at budget time sets its priorities according to importance and that if the ARB wants the District to do additional work, it should furnish the funds; Ms. Tirsell suggesting that the presentation include facts and figures on cost; Mrs. Koehler suggesting that the time-table issue be brought to the ARB's attention.

On inquiry from Mr. Chapman, Mr. Powell stated that the ARB could adopt a regulation for the District which the District has the duty to enforce; that if the District did not enforce it, the ARB could, pointing out this was done in the South Coast Basin on the basis of concurrent authority. Mr. Callaghan stated that he did not know whether the District's regulation would be different than that proposed by the ARB but that there might be some changes as far as inspection is concerned.

After further discussion, Mr. Cooper moved that the Staff be directed to communicate with the ARB immediately, giving them the history for this year of the issue, and requesting they cancel the hearing and wait until the District adopts something in January; that if the hearing is not cancelled, the Chairperson should attend it and make a presentation, incorporating the discussions of the Board; seconded by Mrs. Steinberg.

In discussion, Mrs. Steinberg stated she felt the real issue was one of procedure and that it was important the ARB be so advised. Mr. Powell advised the earliest a public hearing could be held would be the second meeting in January. Mr. Kenny stated he did not feel the ARB was acting fiscally responsible.

Chairperson Chapman requested the Staff to develop a written presentation for him, sending a copy to each Director. The motion carried.

Mr. Cooper requested the Staff to urge the Advisory Council to speed up its deliberations on the matter.

DISCUSSION OF VARIATION OF AIR POLLUTION POTENTIAL WITHIN THE BAY AREA AIR BASIN

Mr. Feldstein briefly reviewed his report, Variation of Air Potential Within the Bay Area Air Basin, dated October 6, 1977, pointing out that air pollution problems are the result of emissions and ability for the emissions to be dissipated; that isolated valleys with constrained terrain have a much greater potential for such problems developing, such as Santa Clara and Napa Valleys.

In discussion, Mr. Cooper questioned whether a meteorological analysis has been made to determine if the pollution on the days the standards are exceeded, is the result of a build up on the preceding days, to which Mr. Feldstein responded that a number of studies had been done and that he would furnish a report thereon to him. Ms. Tirsell requested the report include information on whether winds from the west blow emissions south.

REPORT ON PERSONAL INJURY CLAIM AGAINST THE DISTRICT BY HORACE DONALD

The Air Pollution Control Officer's report, Personal Injury Claim of Horace Donald, dated October 12, 1977, was presented.

Mr. McCorquodale moved the claim be denied; seconded by Mrs. Koehler; carried.

COMMUNICATIONS
Richard Oliver, Secretary

The following communications were presented.

Robert E. Lorenzini, President
Siltec Corporation

enclosing Application to Construct a scrubbing equipment.

Jack K. Pool
Clerk of the Board of Supervisors
Alameda County

notice of Public Hearing on November 3, 1977 with respect to zoning in the unincorporated territory in the Ashland Area.

Revan A. F. Tranter
Executive Director
ABAG

acknowledging receipt of the District's Resolution opposing the termination of the Southern Pacific Passenger Service, and advising ABAG will be presenting a formal statement to the PUC opposing termination also.

Randi Dalton
Pleasant Hill

expressing appreciation to the District for its efforts in maintaining and improving the air quality.

EMTF

agenda for October 12, 1977.

Jean T. Smith
Planning Director
City of El Cerrito

draft of the proposed Redevelopment Plan for a portion of the City of El Cerrito.

MTC

meeting postponement announcement - to November 2, 1977.

Jim Pharris, Chairperson
Yuba County Board of Supervisors and
Yuba County Air Pollution Control Board

enclosing Resolutions adopted by them with respect to (1) requesting the State Legislature to reimburse local government for the inflationary costs associated with subvention funding of air pollution control programs; and that it provide any studies on which funding for local government air pollution programs are to be based must include input from the Air Pollution Control Districts; (2) requesting the ARB to inform Districts of proposed commitments to EPA which affect them and their resources prior to any formal agreement with EPA; and requesting the State Legislature to provide that no conditions may be applied to Subvention Funding in respect to such commitments unless local government has reviewed and agreed to them.

MTC
Regional Seaport Policy Committee

agenda for October 18, 1977.

Allan Lind
OCS Projects Coordinator
Office of Planning and Research

regarding the National Outer Continental Shelf proposed leasing schedule for 1979-1981.

EPA

Notice of new address.

J. Russel Kent
Congress of Elected Officials

questionnaire regarding Worker's Compensation Self-Insurance.

Coastal and Offshore Plant Systems Inc.
Washington D.C.

notice of Symposium October 27-28, 1977 in Washington D.C., regarding Clean Air Act Amendments of 1977 and their Effect on Utility Operations and Utility Fuel Supply.

Robert A. Nelson
City Clerk
City of Fremont

enclosing copy of Resolution adopted by Redevelopment Agency, "Declaring no Objections to Late Filing by Public Agencies of Election to Receive Allocation of Taxes in Connection with the Irvington and Niles Redevelopment Plans".

OTHER

Mr. Lemos expressed appreciation to Mr. Callaghan for making a presentation in Solano County on October 10, 1977, a District holiday.

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There was discussion on the meeting to be held in Fairfield on October 26, 1977, and as to the type of meeting it was to be, after which Chairperson Chapman stated it should be agendized as a Committee meeting as well as a regular Board meeting.

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Chairperson Chapman requested the Staff to furnish the Board on October 26 a report on the presentation to the ARB on October 28.

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The following report was presented: Pending Referrals from Board of Directors dated October 11, 1977.

TIME AND PLACE OF NEXT MEETING

7:30 P.M., Wednesday, October 26, 1977, Board of Supervisors Chambers, West Texas Street and Union Avenue, Fairfield, California.

The meeting adjourned at 11:20 A.M.

Respectfully submitted,

Mabel Harder, Secretary

MH:se

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BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109

GOVERNMENTAL
LIBRARY

BOARD OF DIRECTORS

SPECIAL BOARD MEETING

SPECIAL BOARD COMMITTEE MEETING

UNIVERSITY OF CALIFORNIA

Wednesday
October 26, 1977
7:30 P.M.

County Administration Building
Supervisors Chambers
W. Texas Street and Union Avenue
Fairfield, California 94533

M I N U T E S

BOARD MEMBERS PRESENT:

Sam Chapman, Chairperson; Stuart
C. Cullen, Ralph P. Doetsch, Sr.,
Elwon Lance, James Lemos, Daniel A.
McCorquodale, Helen Tirsell.

BOARD MEMBERS ABSENT:

Edward J. Bacciocco, Jr., Fred F.
Cooper, James P. Kenny, Ruth Koehler,
Marguerite Leipzig, John L. Molinari,
Richard Oliver, Gerald M. Poznanovich,
Charles Santana, Geraldine F. Steinberg,
Peter Tamaras.

ADVISORY COUNCIL MEMBER
PRESENT:

Lowell V. Smith.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Paul Brand,
Hulan F. Brinkley, Milton Feldstein,
Dario Levaggi, Edward W. McHugh,
Mabel Harder.

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Chairperson Chapman called the meeting to order at 7:35 P.M.

A quorum was not present.

INTRODUCTORY REMARKS - CHAIRPERSON CHAPMAN AND DIRECTOR LEMOS

Chairperson Chapman introduced each Director; Mr. Lemos welcomed the Directors to Solano County; Mr. Callaghan introduced the Staff members.

REVIEW OF BAY AREA AIR POLLUTION CONTROL DISTRICT
FUNCTION AND ORGANIZATION

Mr. Callaghan outlined the formation of the District in 1955, advising that in 1970, the State Legislative mandated that the three Northern Counties join the District and that the Northern part of Sonoma and Eastern part of Solano Counties are not included in the District's air basin. He reviewed the representation presently on the Board, the Advisory Council and Hearing Board. He reviewed the budget and financial base of the District.

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Chairperson Chapman introduced Mr. John Aquila, former Director from St. Helena; and Sonoma County Supervisor Dick Brand.

Dr. Cullen arrived at 7:50 P.M.

PRESENTATION OF SPECIAL FEATURES OF SOLANO COUNTY
(AIR QUALITY, METEOROLOGY, INDUSTRIAL EMISSIONS, ETC.)

Mr. Feldstein reviewed the District's authority; the level of air quality in the County, stating that there are three air monitoring stations in the County, one in Vallejo, Fairfield and Benicia; that in Vallejo there is an oxidant problem; that the particulate standard is frequently exceeded; that the CO standard has been exceeded on 40 days in 1976; that in Fairfield, the oxidant standard was exceeded on 17 days in 1976 and over the last four years the standard has been exceeded on an average of 16 days per year; that the Benicia station monitors for SO₂ and H₂S and that no excesses of these standards have been recorded. He stated the standards were being exceeded because of emissions from automobiles, transport of precursors from the Bay Area into the County, and emissions occurring in Solano County. He reviewed the 1975 Source Inventory of Emissions for the County, and the meteorology and topography.

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Chairperson Chapman introduced Mr. Manuel Campos, former Mayor of Fairfield and Lowell Smith, Mayor of St. Helena and member of the Advisory Council.

Mr. Powell reviewed the authority of the EPA and ARB and their relationship to the District. He reviewed the Clean Air Act and the amendments thereto; the California Implementation Plan, and the functions of the Hearing Board.

COMMENTS BY REPRESENTATIVES OF PUBLIC AGENCIES
AND PRIVATE ORGANIZATIONS OR INDIVIDUALS

The following made presentations:

F. R. Henrekin, Executive Director
The Coalition of Concerned Citizens of Solano County

presented a written statement, in which he pointed out that attention must be given to the social and economic effects of the many laws, policies, and programs in the air pollution control field or otherwise the business climate would be undermined; that the emission off-set policy would be of little benefit in the location of new industrial facilities and suggested that in lieu of this policy, an industrial plant be approved if it agrees to use the criterion of the best available control technology that is economically achievable; that a regular inspection of motor vehicles should be instituted; that land use control is ineffective compared to the economic disruption; that if present trends are followed, tremendous unemployment will result; that there should be changes in the law to give equal consideration to the economic effects of the regulations.

Neel S. Rich
Benicia

presented a written statement in which he proposed the concept of "air pollution free zones" in known air-sensitive areas and that the Corquinez Strait area be set aside as an air sensitive area, stating this would safeguard the health of the present and future citizens and save funds and efforts of industrial developers in promoting the wrong industry in the wrong location. He reviewed the activities and history of the former Selby Lead Smelter.

Mr. Feldstein reviewed the EPA proposal for prevention of significant deterioration, stating it is designed to primarily preserve clean air in clean air areas; that the New Source Review requirements of the District's regulation would probably coincide with Mr. Rich's suggestion.

Carol Schendel
League of Women Voters of South Solano County

presented a written statement in which she supported the efforts of the District in controlling air pollution and in meeting Federal and State standards, and encouraged the District to maintain its high standards.

Jeff Monk
California Delta Coalition

in comments expressed concern for the protection of the Delta and with the statement out of ABAG with respect to the "grow North" policy, stating that the Sacramento ship canal will become an industrial ship canal and inquired as to the air quality projections in the County in the next 5-10 years.

In response, Mr. Levaggi stated that the AQMP will make such projections in the future but that the air quality is expected to improve until around 1985, when it is projected emissions will climb, and he explained the modeling which has been done to date. Mr. Levaggi stated that monitoring data indicates that air quality has become better in Solano County.

Mr. Monk expressed concern that the reported 10-15% higher cancer rates in Contra Costa County would occur in Solano County, to which Mr. Levaggi responded that the higher cancer incident rates referred to were prior to 1969; that since 1969 the rates have lowered and are about in the norm with other counties in the Bay Area; that Dr. Goldsmith expressed his opinion that the higher cancer incidents in 1950-60 were probably due to war time activities, the tremendous immigration into Contra Costa County at that time, and increased smoking; that a new study is to be done in which the District will be participating.

Mr. Monk expressed concerned about acid rain water, resulting from SO₂ combining with water to form sulfuric acid, to which Mr. Feldstein responded that this normally occurs when moisture combines with thousands of pounds of SO₂; Mr. Levaggi reviewed a study done in the Berkeley hills which proved to be negative.

Norman Repanich
Solano County Industrial Development Agency

in comments stated he did not feel the trade-off policy was the solution; that 84 percent of the pollution is caused by automobiles; and referred to the Brookings Institute's proposed solution of providing an incentive to a company which isn't polluting and who is using best available technology; he expressed concerned that no new plant can be built under the present regulations.

In response, Mr. Feldstein pointed out that it was necessary when discussing percentages of pollution to know the particular pollutant being discussed; that the oxidant standard is the most pervasive ; that projections for 1985 indicate that 75% of the pollution will be from stationary sources and 25% from motor vehicles because of the increased efficiency of motor vehicle control.

There was discussion on the trade-off policy, Mr. Feldstein explaining the concept. Mr. McCorquodale referred to BCDC's concept of trade-off, stating he felt there might be some value in instituting this in the air pollution area.

Jim Curtz
Benicia

in comments stated that as a former City Councilman he advocated the County joining the District and expressed appreciation to the District for its efforts.

Dick Brand
Supervisor - 5th District
Solano County

expressed concern that Solano County had only one representative on the Board and hoped the legislation could be changed with respect thereto as well as changing the boundary of the District to exclude the Montezuma Hills area so that this could be part of the Yolo-Solano District, because of farming practices. He inquired as to the location of the monitoring stations when the Dow Chemical Company application was being considered.

In response, Mr. Levaggi stated that the monitoring data was from monitors in Pittsburg and Fairfield, the ARB station in Rio Vista as well as that from the mobile vans operating in the Montezuma Hills area; that the oxidant standard was exceeded in the Montezuma Hills area based on data from Fairfield and Pittsburg.

Stan Anderson
Rancher
Collinsville Area

in comments, expressed concern over the District's burn days for his area, stating they were usually on damp days in his area and that hot fires were needed to get a clean burn and to rid the soil of foul growth; that the Suisun March is afforded better burning privileges. He reviewed the problem in cleaning his growth because he could not burn.

In response, Mr. Brinkley reviewed the State Health & Safety Code with respect to agricultural burning, stating that it requires that in order to allow burning for the purpose of abating a fire hazard, it must be shown that there are no other methods of abatement. He reviewed Regulation 1, pointing out that most of the exemptions are related to agriculture.

There was discussion on the fact that every area of the County has a different climate and that the area directly across from his property in the Yolo-Solano District can burn on days when it is not a District burn day.

After further discussion, Mr. Chapman requested that Staff make a correlation between the two Districts on their burn days and report to the Board. Mr. Callaghan suggested Mr. Anderson to write a communication to him with respect to his burning problem.

OPEN QUESTION AND ANSWER PERIOD

In general discussion, Chairperson Chapman reminded the audience that the District has a toll free number for its use - ENTERPRISE 1-3200.

Mr. Rich expressed concern over the difficulty in contacting District personnel after 5:00 P.M., Mr. Callaghan advising that if there is a serious problem the answering service will contact a Staff member about it; that District Staff manned the telephones on Saturdays and Sundays between 8:30 A.M.-5:00 P.M.

Supervisor Brand inquired as to the impact the 208 Study will have on the District, to which Chairperson Chapman responded a decision on implementation of the Plan has not been made; that the District Staff is to prepare options with respect thereto which will be presented to the Board at its next meeting, after which the Board will take a position and present it to ABAG. Mr. McCorquodale advised that the EMTF Planning Committee has made a recommendation that for a period of two years at least there be no change in the duties, responsibilities and financing of the various Districts and that during this period of time there be on-going review as to whether there should be one regional agency and the role ABAG should play.

TIME AND PLACE OF NEXT MEETING

10:00 A.M. Wednesday, November 2, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 9:45 P.M.

Respectfully submitted,

Mabel Harder, Secretary

A/581

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BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

GOVERNMENTAL
LIBRARY

BOARD OF DIRECTORS

REGULAR MEETING

Wednesday
November 2, 1977
10:00 a.m.

939 Ellis Street
San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT: Edward J. Bacciocco, Jr., Sam
Chapman, Fred F. Cooper, Ralph P.
Doetsch, Sr., James P. Kenny,
Ruth Koehler, Elwon Lance,
Marguerite Leipzig, James Lemos,
Daniel A. McCorquodale, Richard Oliver,
Geraldine F. Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBERS ABSENT: Stuart C. Cullen, John L. Molinari,
Gerald M. Poznanovich, Charles Santana.

HEARING BOARD
MEMBER PRESENT: Theodore K. Cleveland.

ADVISORY COUNCIL
MEMBER PRESENT: Jack C. Oppenheimer.

STAFF MEMBERS PRESENT: D. J. Callaghan, Elvan Babylon, Thomas
F. Bell, Hulan F. Brinkley, Warren R.
Crouse, Milton Feldstein, Dario Levaggi,
Edward W. McHugh, John F. Powell,
Mabel Harder.

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Chairperson Chapman called the meeting to order at 10:10 A.M.

APPROVAL OF MINUTES OF OCTOBER 19, 1977

Ms. Harder requested a correction on page 3, paragraph 4, line 5, to read, " organic compound to approximately 4 T/D: ---" .

Mr. Callaghan requested a correction on page 3, paragraph 6, line 3, to read, "that a secondary seal, the gap ---".

Mr. Lemos moved the minutes of October 19, 1977 be approved as corrected; seconded by Mr. Doetsch; carried.

Ms. Harder advised that the minutes of October 26, 1977 were not available.

REPORT OF THE EXECUTIVE COMMITTEE

Sam Chapman, Chairperson

Chairperson Chapman reported the Committee met prior to the Board meeting and continued its review of the Recommendations of the three Subcommittees; that it had completed its review of the Subcommittee on Enforcement Procedures Revision; that with respect to a recommendation of the Subcommittee on Board Effectiveness and Organization, the Executive Committee recommends that the Secretary to the Board send each appointing jurisdiction at the time of each Director's reappointment a roster of attendance at Board meetings. Dr. Lance spoke in opposition to the recommendation stating that if the appointing jurisdiction wanted the information there was adequate time for it to get it.

Mr. Oliver moved that the Board accept the recommendation of the Executive Committee; seconded of Mrs. Koehler; carried on roll call:

AYES:	Bacciocco, Chapman, Doetsch, Kenny, Koehler, Leipzig, Oliver, Steinberg, Tirsell.
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NOS:	Cooper, Lance, Lemos.
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ABSENT:	Cullen, McCorquodale, Molinari, Poznanovich, Santana, Tamaras.
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Chairperson Chapman stated the Committee would devote it's next meeting to the activities of the PI & E Division.

QUARTERLY REPORT OF HEARING BOARD

Theodore K. Cleveland

Dr. Cleveland referred to the report, Hearing Board Quarterly Report as of October 1, 1977, dated October 24, 1977 briefly reviewing it.

In discussion, on inquiry from Mrs. Koehler, Dr. Cleveland stated that with respect to the variances on in-stack monitors, three were pending, and one was in effect.

REPORT OF ADVISORY COUNCIL LIAISON

Stuart C. Cullen

Dr. Cullen was not present.

REPORT ON OPTIONS AVAILABLE TO THE BOARD REGARDING IMPLEMENTATION
AND FINANCING OF AQMP

Mr. Feldstein reviewed the Report to the Board on Options For The "Continuing Planning Process", dated October 27, 1977, pointing out that the Planning and Implementation Committee of EMTF, have been discussing the various options for the continual planning; that CPP would include monitoring the program once it is adopted; updating the Plan; and implementing it; that further stationary, transportation, motor vehicle emissions, and land use controls will be developed; that in review of the present air quality plan, the responsibility of the Board is major in terms of the actual tonnages which are projected to be reduced and therefore the Board should play a much more important role in the CPF.

In discussion, Mr. Cooper stated he disagreed with the Staff's figures that two-thirds of the emission reduction must come from stationary sources, stating there is a tendency in EMTF thinking that the District must make all of the efforts, whereas Congress could make several determinations such as that with respect to gas rationing and whether there should be limited immigration into the State; that rather than the Board discussing the Options at length today, the report should be sent to other agencies for comments prior to the Board's adopting any option. On inquiry from Mr. Kenny if a County could withdraw from the District, Mr. Powell advised that the law no longer provides a withdrawal feature;

that the Legislature has now created the District with specified boundaries.

In discussion of Option 3, Mr. Cooper stated he did not feel it gave sufficient representation to the various Districts; that sewage treatment needed to be represented, as it was necessary to coordinate this with air pollution, to which Mr. Feldstein responded that this could be accomplished through representation of the Cities and Counties. Mr. Chapman suggested that the EMTF be an advisory body to the Air Quality Management Committee.

Dr. Bacciocco stated he favored Option 3, and was opposed to any Option which would remove government further from the people; that under a regional agency there were few controls left to the people; that he was opposed to the Governor making appointments.

Mr. Tamaras arrived at 10:55 A.M.

Ms. Tirsell pointed out that it was difficult to decide what agency should oversee the EMTF Plan before it is adopted and the enforcement problems known.

Mrs. Koehler in commenting on the various Options, stated giving the Board the main responsibility under 1 would be inadequate because it did not have the capabilities as presently organized to deal with inspection, maintenance, and land use - transportation issues; that 3 has much more political clout because it was a broader based group; that EMTF is not viable for a long term process because of the difficulty in educating the persons involved; that the Air Quality Management Committee should not be separated from water quality and solid waste because they were interrelated; that Options 4 and 5 should be considered, but that the Governor should not make the appointments.

George Hagevik
ABAG

In comments stated that the Draft Plan would be released about December 1; that there would be a five month public review period; that a number of options with respect to the governmental organization question will be listed; that the Board should express it's recommendation to the EMTF at it's next meeting if possible and also to the Executive Board of ABAG.

In discussion, Mr. Hagevik stated that ABAG was now the permanent funding source to support the regional planning effort; that it relied heavily on grants and therefore was seeking funding, including subvention from the District; that its best source was continued Federal funding and that it hoped that \$2MM would be available; that under the present Clean Air Act, funds would go to ABAG for transmittal to other agencies; that MTC is concerned about a larger role because of the number of transportation controls being suggested.

Mr. Cooper moved that the Report be sent to all the Cities and Counties in the District as well as to the mailing list, with the indication that the Board has not acted on it, nor intends to until it receives input, after which further discussion thereon will be held, in two months. There was no second.

In further discussion, Mr. McCorquodale as Chairperson of the Plan Implementation Committee stated he felt the Board's recommendation would be more effective during the two year planning process being recommended; that the emphasis at this point should be to develop a Plan which the existing agencies would have the responsibility to carry out until there is general agreement as to the permanent implementation agency.

In discussion as to the necessity for the Board to recommend an option, Mr. Feldstein pointed out that some agency will be applying to EPA for AQMP funds and therefore the District should not wait for two months for comments.

Mrs. Steinberg stated she felt the District was the prime agency to deal with air quality and therefore should be an equal participant in the decisions being made.

After further discussion, Mrs. Steinberg moved that the Board go on record as accepting Option 3 for at least two years; seconded by Mrs. Leipzig.

In discussion, Mr. Chapman stated his main objection to Option 3 was that it did not have the broad representation as EMTF now has, and suggested that EMTF or a similar agency continue in effect, to advise the Air Quality Management Committee who would make the final decision.

In discussion of Mr. Chapman's suggestion, Mr. Feldstein pointed out that there was no fractionalization of water quality and land use control because of the representation on ABAG's Executive Committee. After further discussion, Mr. Chapman withdrew his proposal.

Mr. Cooper suggested that the matter be put over for further discussion, suggesting that Option 4 may be the best because a partially directly elected board was a better method

for a regional agency; that Option 3 put more power with the District. Mrs. Steinberg responded that Option 4 required State legislation; that waiting one-two years would give an opportunity for another agency to become the lead agency; that the three main agencies having interest in the subject should have the authority; that inaction would take away the opportunity for the District to become an equal partner in the Plan.

There was a discussion on including in the motion the suggestion that the Options be circulated for comments from other agencies prior to adoption, Mrs. Leipzig speaking in opposition to the addition, after which it was decided not to so include.

The motion then carried on roll call:

AYES: Bacciocco, Chapman, Doetsch, Kenny,
Koehler, Lance, Leipzig, Lemos,
McCorquodale, Steinberg, Tamaras.

NOS: Oliver, Tirsell.

ABSTAINING: Cooper.

ABSENT: Cullen, Molinari, Poznanovich,
Santana.

APPROVAL OF ARB CONTRACT FOR AIR MONITORING

Ms. Tirsell moved that the adoption of Resolution No. 1045, In The Matter Of Autorizing The Chairman Of The Board Of Directors To Execute An Agreement With The Air Resources Board For Air Monitoring; seconded by Mr. Kenny; carried on roll call:

AYES: Bacciocco, Chapman, Doetsch, Kenny,
Koehler, Lance, Leipzig, Lemos,
McCorquodale, Oliver, Steinberg,
Tamaras, Tirsell.

NOS: None.

ABSENT: Cooper, Cullen, Molinari, Poznanovich,
Santana.

REPORT ON ARB PUBLIC HEARING TO CONSIDER ADOPTING RULE ON STORAGE
OF ORGANIC LIQUIDS

Sam Chapman, Chairperson

Mr. Chapman presented his Statement before the ARB on October 28, 1977 at which he protested the ARB adopting a regulation for the District with respect to organic solvents until the District had time to consider it. He advised that the ARB postponed adoption of the regulation and referred the matter to the Executive Officer asking him to defer adoption until January 1978 thus giving the District time to adopt a regulation. Mr. Chapman advised that the Advisory Council is to report to the Board in December on the matter after which the Board can hold a public hearing. He advised that Mr. Quinn in a statement about the District expressed among other things concern for the District's inadequate enforcement; that other members of the ARB Board indicated a spirit of cooperation.

Mr. Callaghan stated he was hopeful he could secure a copy of Mr. Quinn's statement for each Director; that he would make a complete report at the Board's next meeting on the meeting which he and Mr. Feldstein had with ARB Officials on November 1, 1977.

Mr. Cooper suggested that the transcript of Mr. Quinn's statement be furnished to the Directors in a couple of weeks because he felt the Board should make a statement with respect to the ARB because of its action with respect to service station nozzles and Chevron U.S.A.

Mrs. Koehler briefly reviewed the ARB's public hearing, stating there was conflicting information given as to what would be the cost for enforcing the regulation on floating roof tanks. She expressed concern that the ARB had no feeling for the workload of the District, and suggested that Directors meet with the ARB Board to go over the work program.

Mr. Callaghan suggested that members of the ARB Board be invited to visit the District, and Chairperson Chapman requested the Staff to prepare a format for an invitation to them as well as a tour of the District.

REPORT OF THE AIR POLLUTION CONTROL OFFICER

D.J. Callaghan

Mr. Callaghan advised that he and Mr. Feldstein met with Messrs. Austin and Lewis of the ARB at which they were advised that the ARB will hold a public hearing on December 19, 1977 to adopt a New Source Review regulation for the District; that they also

discussed the vapor recovery regulation, which the ARB is requesting the District to amend.

There was discussion on the procedures of the ARB, Mr. Callaghan advising that representatives from 7-8 APCDs met with ARB personnel with respect to establishing procedures, after which said procedures were established. Chairperson Chapman requested that the matter of ARB procedures be agendized for the next Board meeting.

Chairperson Chapman requested the Staff to report on the New Source Review and the ARB position thereon at the next board meeting.

DIVISION MONTHLY REPORTS

The following reports were presented: Director of Enforcement Monthly Activity Report of October 1977; Director of Technical Services Monthly Activity Report, September 22 through October 19, 1977; Director of Engineering Services Monthly Activity Report, September 21, 1977 through October 20, 1977; Director of Public Information Monthly Activity Report - September 24, 1977 - October 25, 1977; Status of Legal Matters, September 23, 1977 - October 24, 1977; Controller's Appropriation Statement and Cash Position, September 30, 1977.

COMMUNICATIONS

Richard Oliver, Secretary

Baxter L. Tilford
Monsanto Company
Martinez, California

advising that Monsanto has taken a leadership position in communicating to the public and press the role chemicals play in our society; that they plan to communicate on a wide scale and with regularity and enclosing their booklet entitled, The Chemical Facts of Life.

Revan A. F. Tranter
Executive Director
ABAG

expressing opposition to the abandonment of Southern Pacific passenger train service between San Francisco and San Jose and stating that ABAG's policy indicates that abandonment is not consistent for various reasons; that since ABAG's position is similar to the District's and to MTC's, they have decided not to submit evidentiary testimony feeling the District's is in a better position to address the specific concerns.

Marjorie W. Evans
ARB

referring to Mr. Chapman's letter of September 16, 1977 requesting ARB to urge PUC to deny Southern Pacific's application to terminate service, stating she testified in opposition on October 17; that she requested that a formal Resolution be considered by the Board at its meeting in San Francisco on October 28.

Maynard F. Henning
Renton, Washington

requesting specific information on air pollution in the Bay Area.

Richard V. Brown
Acting Executive Director
El Cerrito Redevelopment Agency
City of El Cerrito

enclosing legal notice of the Redevelopment Agency of the City of El Cerrito and the El Cerrito City Council's joint public hearing to be held on Monday, November 21, 1977 to consider adoption of the El Cerrito Redevelopment Plan and the Environmental Impact Report prepared for said Plan.

Allan Lind
OCS Projects Coordinator
Sacramento

attaching a request from Bureau of Land Management with respect to proposed Lease Sale #53.

Dr. Scott Lynn
Chairperson
Technical Committee
Advisory Council

with respect to ARB proposed Regulation on Organic Storage Tanks, advising that the Technical Committee at its meeting of October 21, 1977 went on record supporting the position of the Board and the Staff as expressed at the Board meeting on October 19, 1977; and has requested additional information from the ARB.

Jim Bates, Chairman
Board of Supervisors
County of San Diego

copy of letter to Mr. Tom Quinn, ARB, opposing the condition on 1977-78 subvention that the County of San Diego install EPA certified monitoring equipment in selected monitoring stations; that to replace the present instruments would be a waste of taxpayer's money; and suggesting if ARB wishes to pursue this goal, it conduct tests to certify the Beckman 6800, or take the matter back to EPA.

John C. Boutsikaris
Region Sales Finance Manager
Hewlett-Packard Company

enclosing Hewlett-Packard's Delivery and Acceptance Certificate covering Security Agreement Number 4100-51177 dated August 12, 1977.

OTHER

Mrs. Koehler advised that Stanford University had banned the bonfire.

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Chairperson Chapman reported on the meeting held in Solano County on October 26, 1977, stating that 41 persons were in attendance representing various interests and that he felt the meeting was successful.

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The following reports were presented: Summary of Actions Taken-Board of Directors, October 19, 1977; Tear sheet from the Los Angeles Times dated November 1, 1977, entitled Cancer of the Responsibilities.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday November 16, 1977, 939 Ellis Street, San Francisco.

The meeting adjourned at 12:05 P.M.

Respectfully submitted,

Mabel Harder, Secretary

MH:ab

A1581

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BAY AREA
AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109
771-6000

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

DEC 5 1977

BOARD OF DIRECTORS

UNIVERSITY OF CALIFORNIA

REGULAR MEETING

Wednesday
November 16, 1977
10:00 a.m.

939 Ellis Street
San Francisco,
California, 94109

M I N U T E S

BOARD MEMBERS PRESENT: Edward J. Bacciocco, Jr., Sam Chapman, Fred F. Cooper, Stuart C. Cullen, Ralph P. Doetsch, Sr., James P. Kenny, Ruth Koehler, Elwon Lance, James Lemos, John L. Molinari, Richard Oliver, Gerald M. Poznanovich, Charles Santana, Geraldine F. Steinberg, Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT: Marguerite Leipzig, Daniel A. McCorquodale.

ADVISORY COUNCIL
MEMBERS PRESENT: Marshall A. Kent, Chairperson, Robert J. Debs.

STAFF MEMBERS PRESENT: D.J. Callaghan, Thomas F. Bell, Hulan F. Brinkley, Warren R. Crouse, Milton Feldstein, Dario Levaggi, Donald A. Monaghan, Edward W. McHugh, John F. Powell, Mabel Harder.

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APPROVAL OF MINUTES OF OCTOBER 26 AND NOVEMBER 2, 1977

On motion on Mr. Doetsch; seconded by Mr. Kenny; carried.

REPORT OF EXECUTIVE COMMITTEE
Sam Chapman, Chairperson

Chairperson Chapman reported the Committee met prior to the Board meeting and discussed the lease with the San Francisco Redevelopment Agency; the operation of the Public Information and Education Division during which some suggestions with respect to Air Currents were made and the matter is to be discussed further.

REPORT OF ADVISORY COUNCIL
Marshall A. Kent, Chairperson

Mr. Kent reviewed the Report of the Advisory Council, dated November 16, 1977.

Dr. Cullen advised that the Advisory Council discuss the relationship between the ARB, Board of Directors and Advisory Council; that the Council was disturbed by being constantly on the defensive because of the ARB's constant demands. Mr. Kent stated that the Council by constantly responding to the demands was devoting energy to that which really has no effect on clean air.

REPORT ON ENVIRONMENTAL MANAGEMENT TASK FORCE
Sam Chapman, Chairperson

Chairperson Chapman reported that he appeared before the EMTF Plan Implementation Committee last week to present the District's position on the Plan; that the ABAG Staff wrote a memorandum interpreting the District's position, and he read from George Hagevik's memorandum dated November 2, 1977. He pointed out that if ABAG becomes the sole agency for Implementation there will cease to be a need for the Board's existence; that the Plan Implementation Committee will meet again on the Implementation question.

Mr. Cooper stated he felt the key issue was the Plan and that a list of the options should be included in the Plan instead of recommendations. He moved that the Board recommend that the various alternatives be listed in the Plan without a recommendation; seconded by Mr. Poznanovich.

In discussion, Mrs. Koehler pointed out the motion was unnecessary because the Plan was already at the printers, and she felt it included the options.

It was decided that Chairperson Chapman should convey Mr. Cooper's concern to EMTF.

Chairperson Chapman in continuing his report, stated that the controversial Land Use Policy was again discussed, and that the Staff draft was adopted with a few changes, which he read, being a memorandum from Eugene Leong, dated November 2, 1977. A copy was

provided each Director as well as the wording change adopted at the meeting.

Mr. Chapman stated that Mr. Leong made a presentation with respect to the prognosis for meeting the standards in which he stated that the Indirect Source Review procedures would be instrumental in the standards being met. Mr. Feldstein stated that the Staff had not seen any data on the actual emission reduction from an Indirect Source Review. He outlined his understanding of the Program Review Committee stating that its primary function was to make sure that the Plan developed would be consistent with the State Implementation Plan; that the final Plan must be approved by ARB and EPA. He stated that when he discussed the Options for implementation of the Plan, some EMTF members felt that Option 3 should be implemented with a continuing review, but that the ABAG Staff was not favorable towards it.

STAFF REPORT ON RELATIONSHIP BETWEEN ARB AND LOCAL AGENCIES

Mr. Callaghan called attention to his report, ARB-Local Agencies Relationship, dated November 9, 1977.

In discussion, Mr. Feldstein advised that nine local agencies were in attendance and that the draft presented to the ARB was approved by everyone there; that the concern expressed was in procedural areas because ARB's time-frame for various matters does not necessarily coincide with the time-frame of the various Districts. He reviewed the specifics in the report, stating that Subvention Funds were of concern because the Districts felt that their purpose was to support an active and effective program and that any additional activities the ARB felt was necessary, should be supported by additional funds; that the ARB is to review the proposal and submit a final draft to all the local Districts present; that the ARB relies on the local agencies to provide emission inventory data but that the problem area is with respect to the format in which they want the information; that it requires extensive efforts to convert this into the EIS which the ARB wants, therefore it is felt funds for this should be provided for in addition to the Subvention Funds provided.

Mrs. Koehler referred to Item 4 in the report stating that "reasonable" should be defined. Mr. Feldstein responded that he would attempt to get information from the other Districts as to their procedures.

Mrs. Koehler stated she felt the ARB should advise what model regulations will be worked on during the year at the time the Subvention Program is adopted.

Mr. Tamaras arrived at 10:50 a.m.

Dr. Cullen expressed concern about the working relationship of the District with the ARB, stating the time had come for a re-thinking and redefinition of said working relationships and that after the ARB has responded to the Proposal he would consider making a motion that the Chairperson appoint a Committee to initiate the development of a Game Plan, initial members being appointed from the Board and

the Advisory Council, who after approval of the problem, appropriate discussion, and the development of a preliminary plan could propose other members to the Committee such as Industry and Representatives from other Districts; the enlistment of the media and contact with members of the Legislature, as well as the Staff of the BAACPD and other Districts.

Mr. Feldstein advised that ARB should have a final draft for the agencies to review by the end of November; that if possible a single report will be submitted to the Legislature instead of Majority and Minority Reports. Mr. Chapman suggested a meeting between the District Board and Staff and ARB Board and Staff after the final draft is received and requested the matter be agendized for the December 7th meeting for a Progress Report.

DISCUSSION OF ARB PROPOSED VAPOR RECOVERY AMENDMENTS

Mr. Callaghan reviewed his report, Air Resources Board Revisions to State Vapor Recovery Rules, dated November 7, 1977, advising that Mr. Bell would attend all ARB meetings in the future. In the review of the ARB's proposed regulation he pointed out that it will require 95% recovery instead of 90; that the Implementation Schedule will start with larger throughput stations first. He pointed out that the Legislature did not require the ARB to establish percentage but only to certify a system; that a second system might be certified by the end of the month.

In discussion, Mr. Oliver pointed out that the ARB has come to the conclusion that the Balanced System has some fundamental problems which may not be solved in the near future, if ever, with which he agreed; that the District's figures were misleading and that the public should not be misled by statements from Staff that 90% efficiency is being achieved; that even with a design of no-seal-no flow nozzle, 90% will not be achieved; that the only good system is an Aspirator Assist System or Vacuum Assist System; that the Balanced System was ill-conceived several years ago and that sooner or later the Staff had to realize this.

Mr. Cooper in comments, stated he saw no justification for requiring 95% efficiency other than for the ARB to disqualify any competing system they do not like; that this point needed to be addressed; that only new stations should be required to install one of the ARB's certified systems.

Mr. Chapman pointed out that the ARB supported and encouraged the District when it adopted its Regulation, and that its change in position was disturbing.

Mr. Feldstein pointed out that after the ARB adopts the Model Rule, it will probably require the District to so adopt; that the District has issued to those new stations built after July 1, 1976 a conditional permit requiring that when a system is certified by the ARB they will have to upgrade their system to it; that the Permit to Operate has subsequently been amended to require that when two systems have been certified by the ARB they will have to upgrade their system.

Mr. Molinari arrived at 11:10 a.m.

Mr. Feldstein presented a chart entitled, Phase II Implementation Schedule of the ARB Model Rule on 95% recovery, pointing out that 5,441 stations will be affected; that some stations will have to redo their piping; that about 14% of the stations have manifold piping above 30,000 gallons throughput and that the balance has unmanifolded; that the cost for upgrading the Aspirator Assist System will be \$1600-\$4600 per station, for a total cost \$7.3 MM; that to upgrade the Gulf-Hasselman System it will cost \$6600-\$9000 per station, for a total cost of \$22.2 MM. He pointed out that the present system only achieves 60-65% overall efficiency; that with the second generation nozzle there is indication that more cars will be able to be serviced and thus 90% will be achieved.

After further discussion, Mr. Cooper moved that the Chairperson or his designee attend the hearing on November 22, 1977, giving the history of the fact that the District went ahead of other Districts in the State in this area and objecting to the Model Rule on the basis that the sole propose of what they are doing is to force the District to adopt a new system at greater expense, and pointing out that if they are concerned about urgency in the District now, they are going to get a lot less in the future because they will be pulling the rug out from under the District; seconded by Mr. Kenny.

In discussion, Mrs. Koehler pointed out that the Staff and the ARB differed in their opinions with respect to the Balanced System and that she had no information to evaluate this. Mr. Chapman stated that the ARB felt it had a system that would meet 95% and that this was their reason for so requiring, to which Mr. Cooper responded that requiring 95% did not change how the Gulf-Hasselman and Aspirator System worked:

Mr. Feldstein advised that during refilling of motor vehicles, 40 T/D is being emitted; that with 90% control this will be reduced to 4 T/D and that with 95% efficiency, this will be reduced to 3 T/D. He explained the design of the second generation nozzle pointing out that if a tight fit is not made, gas will not be able to be pumped into the vehicle; that it has a better fit to the fillpipe and a longer tip.

Mr. Oliver pointed out that in actual operation the person operating the pumps will fill the tank the easiest way regardless of the nozzle and thus more vapors are escaping, but that with the Gulf-Hasselman System the vapors are being returned to the tank; that he did not feel the Balanced System would ever meet 90% recovery without a suction system and questioned when the District would be able to determine it was meeting 90% efficiency.

Mr. Santana suggested that some Directors meet with Mr. Quinn about this matter, pointing out that someone must speak for the small independent operators because of the additional financial burden being placed on them, with which Mr. Chapman agreed.

After further discussion, Dr. Bacciocco moved an amendment to Mr. Cooper's motion to send a delegation to see Mr. Quinn prior to November 22, 1977 and that those conversant in all the intricacies of the chemistry also be present; seconded by Mrs. Steinberg.

After discussion, Mr. Cooper accepted the amendment to his motion, it being the understanding that the delegation would try to meet with Mr. Quinn prior to November 22nd but that if this were not possible, they would meet with him after that date but that in any event someone would be present at the hearing on November 22nd.

Mr. Feldstein in responding to Mr. Oliver's concern on the efficiency of the Balanced System, stated that any mechanical system which requires pumps is not going to be operating 100% of the time and that this too must be considered. Mr. Callaghan pointed out that EPA had approved the District's regulation.

Mrs. Koehler suggested that the ARB be advised on November 22 that the District feels 95% efficiency may be valid for new stations but that the second generation nozzle for the Balanced System will achieve 90%.

The motion carried on roll call:

AYES:	Bacciocco, Chapman, Cooper, Cullen, Doetsch, Kenny, Koehler, Lance, Lemos, Molinari, Poznanovich, Santana, Steinberg, Tamaras, Tirsell.
NOS:	None.
ABSTAINING:	Oliver.
ABSENT:	Leipzig, McCorquodale.

Chairperson Chapman stated that each Director will be notified when the meeting date with Mr. Quinn has been established so they could attend if they so desire.

Mr. Molinari left at 11:50 a.m.

Chairperson Chapman requested Mr. Callaghan to appoint a Staff member to be present at the hearing on November 22.

DISCUSSION OF ARB PROPOSED NEW SOURCE REVIEW RULE

Mr. Callaghan advised that the ARB will hold a public hearing on December 19, 1977 to adopt a New Source Review Rule; that he contacted Mr. Lewis who advised that if the District through its Advisory Council has a proposed Regulation which they will submit to the Board on December 7th and that if the proposed Regulation has been given to the ARB for review to determine if it meets the Rule adopted for the South Coast Air Quality Management District, he would recommend to the ARB that they take no action on December 19. Mr. Callaghan advised that the Advisory Council is to have a Special meeting on December 2 to consider this in order to make a recommendation to the Board on December 7.

Mr. Feldstein outlined the proposed changes in the present Regulation, stating the whole concept of "significant" is being eliminated; that new or modified sources which emit less than 15#/hr. do not need a New Source Review analysis if they meet the District's emissions requirements; that over 15#/hr. a source must apply BACT; if over 25#/hr. and in a non -attainment area for the contaminant which is being emitted, the Permit must be denied and the source must use the Off-Set requirement; that if it is over 25#/hr. and in an attainment area then a determination must be made whether it will interfere with the Air Quality.

Mr. Cooper requested that the comments on the Proposal be obtained from the ABAG Staff before it is presented to the Board.

After Mrs. Koehler inquired as to the status of the ABAG report on economic and social effects which was due April 1977, Chairperson Chapman requested Mr. Callaghan to write ABAG requesting a specific report, sending a copy of his letter to the ARB and EPA.

COMMUNICATIONS
Richard Oliver, Secretary

United States Department of Commerce

census questionnaire.

EMTF

Agenda for November 9, 1977

Jean Travis Smith
Planning Director
City of El Cerrito

Notice of public hearing on proposed Redevelopment Plan for
November 21, 1977.

John J. Roberts
Air Pollution Control Association

invitation to submit papers for the 1978 APCA Annual Meeting in
Houston, Texas, June 25-29, 1978.

EPA

invitation to attend conference entitled, Pollution Imaginnering
Cost Less, in San Francisco November 30-December 2, 1977.

OTHER

Mr. Doetsch expressed appreciation to Mr. Brand for his appearance before the ICC in Santa Clara County on November 3.

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Chairperson Chapman advised that due to the lack of Items for discussion, the Board would not meet on November 23, 1977.

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Mrs. Koehler referred to an article in the Palo Alto Times on November 7, 1977, with respect to the High Incidence of Cancer in which Dr. Malcolm Heit, University of California, advised that the conclusion reached was absolutely wrong.

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The following reports were presented: APCO's entitled, Transcript of Statement by Thomas Quinn, Chairman of ARB at the ARB meeting, Friday, October 28, 1977 in San Francisco, dated November 19, 1977.

Summary of Actions Taken - Board of Directors, November 2, 1977.

Pending Referrals - Board of Directors, dated November 7, 1977.

TIME AND PLACE OF NEXT MEETING

10:00 a.m., Wednesday, December 7, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 11:55 a.m.

Respectfully submitted,

Mabel Harder
Secretary

MH:rbz

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JAN 8 1978

UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS

REGULAR MEETING

Wednesday
December 7, 1977
10:00 a.m.

939 Ellis Street
San Francisco,
California 94109

M I N U T E S

BOARD MEMBERS PRESENT: Edward J. Bacciocco, Jr.; Sam Chapman, Fred F. Cooper, Stuart C. Cullen, Ralph P. Doetsch, James P. Kenny, Ruth Koehler, Elwon Lance, James Lemos, Daniel A. McCorquodale, John L. Molinari, Charles Santana, Peter Tamaras, Helen Tirsell.

BOARD MEMBERS ABSENT: Marguerite Leipzig, Richard Oliver, Gerald Poznanovich, Geraldine F. Steinberg.

HEARING BOARD MEMBER
PRESENT: Kenneth A. Manaster.

ADVISORY COUNCIL
MEMBERS PRESENT: Marshall A. Kent, Chairperson; Robert J. Debs, Scott Lynn, Jack C. Oppenheimer.

STAFF MEMBERS PRESENT: D. J. Callaghan, Thomas F. Bell, Hulan F. Brinkley, Warren R. Crouse, Milton Feldstein, Richard W. Grieves, Donald A. Monaghan, Edward W. McHugh, John F. Powell, Mabel Harder.

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Chairperson Chapman called the meeting to order at 10:18 a.m.

APPROVAL OF MINUTES OF NOVEMBER 16, 1977

Dr. Cullen requested the following correction in the Minutes: Page 3, last paragraph, line 4, to read: "has responded to the Staff Recommendations on relation of ARB and local Agencies, he would consider...".

Line 6 to read: "of a Game Plan for the District, initial ...".

Page 4, paragraph 1, line 1, to read: "the Advisory Council, who after the consideration of the problem...".

Ms. Tirsell moved the Minutes be approved as corrected; seconded by Mr. Kenny; carried.

REPORT OF EXECUTIVE COMMITTEE
Sam Chapman, Chairperson

Chairperson Chapman reported the Committee met prior to the Board meeting and received a report from Mr. Desmond and a request from the Hearing Board with respect to hiring outside Counsel.

REPORT OF PERSONNEL COMMITTEE
Helen Tirsell, Chairperson

Ms. Tirsell advised that the Committee met prior to the Board meeting and approved the Agreement with the Institute for Manpower Management for a Classification Study and Salary Survey; that the Committee will meet on January 18, 1978, at which time the Staff is to present a Benefits Package Program, as well as a report on how the budgeting schedule interfaces with the Classification Study and Salary Review.

Mr. Molinari arrived at 10:20 a.m.

REPORT OF ADVISORY COUNCIL
Marshall A. Kent, Chairperson

SETTING OF PUBLIC HEARINGS

Consideration for Adopting Revisions to Regulation 2, Division 13, Concerning New Source Review Procedures to be Set for January 25, 1978.

Mr. Kent reviewed his report, Recommendation on Off-Set Policy Proposed Amendment to Regulation 2, dated December 2, 1977, advising that the recommendation carried on a 13-2 vote; that Mr. Coons proposed that the Off-Set Rule not be used as a means of achieving further emission control if such use is detrimental to the rule's primary purpose and suggested that the Off-Set being no greater than one-to-one and that the rule be written with the greatest achievable simplicity of requirements and thus the maximum achievable scope of potential utility, which proposal was defeated on a 9-6 vote. Mr. Kent advised that several Advisory Council members expressed concern that the proposed Off-Set Rule was too stringent, feeling that its basic essence was not to impose more stringent regulations.

After discussion, Mr. Lemos moved that the proposed amendments be set for public hearing for January 25, 1978; seconded by Mrs. Koehler; carried.

Consideration For Adopting Proposed Rule for Architectural Coatings to be set for February 1, 1978.

Mr. Kent reviewed his report, Recommended Rule for Architectural Coatings, dated December 2, 1977, pointing out the Council recommends that it be written on the basis of Interior/Exterior coatings.

Mr. Doetsch moved the public hearing on the Proposed Rule for Architectural Coatings be set for February 2, 1978; seconded by Mrs. Koehler; carried.

Consideration for Adopting Revisions to Regulation 2, Division 3, Concerning Storage of Organic Liquids to be set for January 18, 1978.

Mr. Kent reviewed his report, Recommendation on Storage of Organic Liquids Amendments to Regulation 3, dated December 2, 1977, stating that the Staff's recommendations as contained in the APCO report, Regulation Revision, dated December 7, 1977, differed from the Council's recommendations but that they were in agreement with the technical aspects of the matter but that the Staff feels the political realities are such that it is necessary to adopt the ARB's recommendations; that the Council is opposed to this because the ARB data shows clearly that no matter what type of primary seal is used, if the secondary seal is utilized there is very little difference in air pollution; that changing the primary seal will cost considerable money but will not be beneficial for cleaner air and that in the long run the consumer will pay for this which will only add to inflation; that the recent EPA report coincides with the Committee's findings. He stated that although the ARB is requiring a modification of the primary seal, its investigation omitted any cost-effectiveness of said modification and that the Board should request such information.

In discussion, Mr. Callaghan stated that although the Staff agreed in principle with the Advisory Council's position, he felt the District needed to be realistic; that the ARB would adopt its regulation whether the District likes it or not; that although the ARB Model Rule requires that the District annually inspect the tanks for compliance purposes, there are no Subvention Funds provided to so do, and that he felt industry should bear the cost of certifying that the tanks are in compliance.

Mr. Cooper moved that the Matter be set for public hearing for January 18, 1978, and that the Advisory Council recommended rule be sent to the ARB and ask them if they are going to object to what is being proposed and if so that they appear at the hearing to show justification for their proposed rule; seconded by Dr. Bacciocco.

In discussion, Dr. Cullen suggested an amendment to the motion to request members of the Advisory Council Technical Committee and representative from the Staff and Board, try to meet with ARB staff prior to the hearing.

Mr. Cooper then made an addition to his motion that the Staff and Advisory Council Technical Committee members be requested to try to meet with ARB representatives prior to the hearing.

Dr. Lynn pointed out that it was important to meet with representatives from ARB who are in authority.

Mr. Powell pointed out that the ARB has directed its Executive Officer to adopt their regulation for the District unless he is convinced that the District proposal is as stringent; that the ARB's regulation has been imposed in the South Coast Air Quality Management District and that the industry in that district did not object to the primary seal nor did they express any objections when the rule was being discussed for this District.

The motion carried.

Chairperson Chapman inquired as to the status of the recodification, Mr. Kent responding that the Council hopes to have a report at its January 11, 1978 meeting. Mrs. Koehler pointed out that the proposed Off-Set Rule is based on the recodified version so that when the matter is considered at the public hearing, the Staff needs to relate it to the present language.

PUBLIC HEARING TO CONSIDER CHANGES IN HEARING BOARD FEE SCHEDULE

Mr. Callaghan reviewed his report, Proposed Changes to Hearing Board Schedule of Filing Fees, dated November 30, 1977. Mr. Powell reviewed the present fee schedule, stating the Staff met with the Hearing Board on this matter and were jointly proposing the new schedule which he reviewed.

Chairperson Chapman opened the public hearing at 10:57 a.m.

Mr. Powell furnished the Secretary 9 Affidavits of Publication of Notice of Public Hearing.

The following made presentations:

Kenneth A. Manaster
Hearing Board

Advised the Hearing Board Concurred in the proposal submitted.

Mr. Doetsch moved the public hearing be closed at 10:58 a.m.; seconded by Mr. Lemos; carried.

Mr. Cooper moved the adoption of Resolution of No. 1046, In the Matter of Amending the Schedule for the Hearing Board Pursuant to Health and Safety Code Section 42364; seconded by Mr. Lemos; carried on roll call:

AYES: BACCIOCCO, CHAPMAN, COOPER, CULLEN, DOETSCH,
KENNY, KOEHLER, LANCE, LEMOS, MCCORQUODALE,
MOLINARI, SANTANA, TIRSELL.
NOS: NONE.
ABSENT: LEIPZIG, OLIVER, POZNANOVICH, STEINBERG, TAMARAS.

DISCUSSION RELATING TO LEGAL REPRESENTATION
OF THE HEARING BOARD IN COURT

Chairperson Chapman called attention to the Hearing Board letters of November 22, 1977 and December 2, 1977. Mr. Manaster reviewed the Hearing Board letter, of November 22, 1977, pointing out that because of the suit brought by Glidden-Durkee challenging the Hearing Board Order, the Hearing Board was requesting authorization to make advance preparation for such instances which may occur in the future, pointing out that the District Counsel has not represented the Hearing Board in the past; that the Hearing Board needs to be able to defend its Orders or otherwise they are worthless. He requested \$2500 be transferred from the Hearing Board Fees Account to the Consultant Account, advising that the funds will be to acquaint an attorney initially on the statutory authority of the Hearing Board and thereafter the person would be available on an hourly basis as needed; that the Hearing Board was not considering a retainer.

Mr. Lemos spoke in opposition to the request stating that such instances were isolated and that when they occurred the Hearing Board could come to the Board; that authorizing this could lead to the Hearing Board having an attorney to represent it constantly, with which Mr. Molinari agreed. Mr. Kenny suggested that the San Francisco District Attorney's Office represent the Hearing Board.

Mr. Powell pointed out that the Glidden-Durkee case was the first which had arisen in the history of the Hearing Board and he reviewed the case, stating he felt the problem had been resolved although the matter was still pending in Superior Court; that if such a problem should arise again, the Counsel for the District could appear in court and request a continuance to give the Hearing Board time to seek some relief from the Board.

Ms. Tirsell stated that she did not feel the Hearing Board should have to come before the Board every time it needs to have money for such matters and suggested the Staff set up a mechanism to so provide, but that the Board needed to approve how an attorney is to be selected.

Mr. Tamaras also spoke in opposition to the request, stating he was opposed to starting a new policy now and that when the Hearing Board has a specific instance it could come to the Board.

Mr. Manaster pointed out that although this was the first time this has happened in twenty-two years, the work of the Hearing Board was changing because more Accusations were being filed than in the past; that there were now more regulations pertaining to permits and that if the Hearing Board were going to be free to exercise its authority, it is likely that orders such as in the Glidden-Durkee matter could be issued. He pointed out that members of the Hearing Board had spent a great deal of time and work on the Glidden-Durkee Superior Court case, which work should have been done by an attorney; that the attorney member on the Hearing Board is not there to represent the Hearing Board; that the Hearing Board has no guarantee that a court will continue a matter and it felt the most sensible way to approach the issue was to make advance preparations.

Ms. Tirsell moved that the Staff report back to the Board with a proposed mechanism so that the Hearing Board is covered in those instances where the District's legal Counsel cannot represent them in court, including the manner in which the attorney is to be selected, how the pay scale would be negotiated, the budgetary considerations the Board has to make, and notification procedures to the Board each time the situation arises; seconded by Mrs. Koehler.

In discussion, Dr. Cullen pointed out that the Hearing Board was only requesting funds to be used to brief an attorney on the operations of the Hearing Board if a case arises.

On inquiry from Mr. Manaster, Chairperson Chapman stated that if a situation arose between now and the time the Staff makes its report, the District Counsel is to appear in court and ask for a continuance pending the Hearing Board coming back to the Board asking for funds for an attorney.

The motion carried.

Chairperson Chapman requested the report be made to the Board on January 18, 1978, if possible.

Mr. Molinari left at 11:45 a.m.

DISCUSSION OF ARB SUBVENTION FUND CONDITIONS FOR 1977-78

Mr. Callaghan reviewed his report, Subvention Conditions for the 1977-78 Fiscal Year by the Air Resources Board, dated November 30, 1977, specifically with respect to Condition 3 of the ARB's letter of November 22, 1977, requiring the District to submit a plan and schedule for replacing air monitoring equipment that is not certified to be equivalent by EPA standards.

In discussion, on inquiry from Mrs. Koehler, Mr. Feldstein stated that equivalent certification would be very expensive; that the District NO₂ and CO instruments are 6-8 years old, and some older; that the District feels the data collected is accurate, valid data; that EPA has certified the oxidant, SO₂ and other NO₂ instruments not being used at the District stations.

Mr. Callaghan reviewed Condition 4 requiring the District to correct the program inadequacies identified in a finalized version of the "Program Review", stating that this had not been received.

Mr. Callaghan reviewed Condition 5 requiring the District to work with the ARB staff to develop said model rules, stating the procedure being required would not give sufficient time for the Advisory Council to review the recommendations.

Mr. Callaghan suggested the Staff discuss these Conditions further with Mr. Lewis, and requested Board approval to so do. Dr. Cullen suggested when this is done the Staff inquire if the Advisory Council is included when "District" is referred to. Mrs. Koehler suggested that the draft proposal on the relationship between the ARB and local districts be used in the Staff's discussion with the ARB.

Chairperson Chapman requested the Staff to proceed with the ARB along the lines discussed incorporating the Directors' remarks in their discussion.

Mr. Callaghan reviewed the letter from the ARB dated November 28, 1977 concerning the Subvention Conditions for Fiscal Year 1976-77, pointing out that the District Subvention Funds will be reduced 10% because Conditions 1 and 2 had not been met, and requiring that they met by December 1, 1977.

Mr. Feldstein pointed out that the emission inventory data will be delivered to the ARB on computer tape and that the ARB would be furnished a product far superior than originally required so that reimbursement should be made by them.

Ms. Tirsell inquired when the District officially knew the conditions of the Subvention Funds, Mr. Callaghan responding that there was a misunderstanding in the fall of the year as to the requirements; that the District delayed putting the program into effect because of the misunderstanding; that because the District has not had a permit system previously, this was a tremendous job.

Mr. Tamaras left at 11:45 a.m.

REPORT ON ARB VAPOR RECOVERY AND LIGHTERING RULES

Mr. Callaghan briefly reviewed his report, ARB Vapor Recovery and Lightering Rules, dated November 30, 1977, pointing out that the District has now been included in the ARB's proposed rules for lightering operations.

Mr. Bell reported on the public hearing held on November 22 with respect to the Vapor Recovery Rules, stating there were 30 witnesses, most of whom supported the 90% requirement because 95% would effectively eliminate the balanced system; that within 12-18 months the new generation nozzle for the balanced system will meet 95% or higher; that there are now 2 certified systems, neither being the balanced system; that the ARB adopted the 95% criterion.

Dr. Bacciocco left at 11:50 a.m.

Mr. Bell stated that the independent stations advised the ARB that they could not comply with the 95% criterion based on Monetary problems after which the ARB requested the Staff to develop in the next 2-3 months a new compliance schedule taking into consideration the financial ability and amount of throughput.

After further discussion, Chairperson Chapman requested the matter of the vapor recovery regulation be continued until the Board's next meeting.

With respect to the regulation on lightering operations, Chairperson Chapman directed the Staff to develop a regulation and furnish to the Advisory Council for its recommendation to the Board as expeditiously as possible.

REPORT ON ABAG EXECUTIVE COMMITTEE ACTION
REGARDING THE CONTINUOUS PLANNING PROCESS

Mr. Feldstein reviewed the APCO report, Report on ABAG Executive Committee regarding the Continuous Planning Process - Staff, dated November 30, 1977 and presented a letter sent by ABAG to Governor Brown dated November 2, 1977, and a copy of the Federal law from the Environment Reporter with respect to Planning Procedures, pointing out that if the Governor designates ABAG as the lead agency for developing the Implementation Plan, the role of the Board becomes subservient. Mr. Chapman stated he did not feel there was a lot of options open to the District at this point; that an effort has been made to discuss this with Mr. Quinn but that no response has been received and that a letter would be directed to him.

The Directors who also served on ABAG's Executive Committee explained why they voted on the matter in ABAG as they did Ms. Tirsell stating she did not feel the District plan of a Committee was a good proposal and that ABAG has received the financial support. Mr. McCorquodale stated that he voted for the ABAG plan because he felt the process was working well now with input from local government, special interest groups and the business and industrial community; that he was opposed to another Committee being established. Mr. Kenny stated he felt the District should be responsible for the nine counties.

Mr. Feldstein suggested the Board send a letter to the Governor describing Option 3 and explaining why the Board feels it is a compromise with respect to air quality maintenance planning inasmuch as the District will be doing 80% of the work on the plans adopted by the ARB and EPA, with which Dr. Cullen agreed stating he was not convinced ABAG should be the lead agency.

Ms. Tirsell stated that the area of staff expertise in air pollution on the ABAG staff needed to be addressed because a general Staff could not take over enforcement of air pollution and that the District needed to protect its expertise in this area.

Mr. Feldstein stated he felt the District needed to play an important role in the development of the Implementation Plan and not be under ABAG's supervision; that the development of the plan will determine the direction of enforcement.

Mr. Lemos moved that a letter be sent to the Governor by the Chairperson advocating the District's position with respect to Option 3 because the District is doing 80% of the work; seconded by Dr. Cullen.

In discussion, Mr. Cooper stated he voted against Option 3 because it is was his Board of Supervisors who would make the final decision when considering the entire EMTF Plan; that each city and county will be reviewing the Plan and that writing the Governor was premature; that he felt the best approach was as proposed in the Knoxbill to combine various agencies.

After further discussion on the merits of sending the letter, the motion carried on roll call:

AYES :	CHAPMAN, CULLEN, DOETSCH, KENNY, LANCE, LEMOS, SANTANA.
NOS :	COOPER, KOEHLER, McCORQUODALE, TIRSELL.
ABSENT:	BACCIOCCO, LEIPZIG, MOLINARI, OLIVER, POZ- NANOVICH, STEINBERG, TAMARAS.

There was a brief discussion on the mechanism through which the Staff would work with ABAG, Mr. Feldstein stating this could be done through the Staff Committee on which he served with Messrs. Macris and Bay.

Ms. Tirsell expressed concern that the Board was not proceeding to discuss the matter of protecting the expertise which the Staff has in air pollution within ABAG.

PROGRESS REPORT ON STATUS OF PROPOSED AIR POLLUTION CONTROL
PROGRAM RESPONSIBILITIES IN RELATION TO THOSE OF ARB

Mr. Callaghan advised that ARB has not responded to the program presented.

REPORT OF THE AIR POLLUTION CONTROL OFFICER
D. J. Callaghan

Division Monthly Reports

The following reports were presented: Director of Enforcement Monthly Activity Report for November 1977; Director of Technical Services Monthly Activity Report, October 20 through November 23, 1977; Director of Engineering Services Monthly Activity Report,

October 20, 1977 to November 21, 1977; Director of Public Information Monthly Activity Report, October 26, 1977-November 25, 1977; Status of Legal Matters, October 25, 1977-November 22, 1977; Controllers Appropriation Statement and Cash Position, October 31, 1977.

COMMUNICATIONS
Richard Oliver, Secretary

The following communications were received:

Shasta County Air Pollution Control Board

Resolution concerning Imposition of Federal EPA Requirements to State of California Subvention Funding.

Shasta County Air Pollution Control Board

Resolution concerning Additional State Funding for Local Air Pollution Control District Programs.

Allyn M. Davis
Acting Director
Air and Hazardous Materials Division
EPA

Advising that EPA is opposed to the Southern Pacific Transportation Company terminating passenger service between San Jose and San Francisco and enclosing a copy of their letter to the PUC.

Paul De Falco, Jr.
Regional Administrator
EPA

Inviting Chairperson Chapman to meet Mr. Douglas M. Costle, Administrator, on December 5, 1977.

ARB

Resolution 77-53 attaching their proposed New Source Review Rules.

Charles H. Kruger
Chairperson
Hearing Board

Requesting the Board to consider the matter of legal representation for the Hearing Board in court.

Kingsley Macomber, Chief
Legal Affairs and Enforcement Division
ARB

Correcting errors in their Model Breakdown Rule.

William H. Lewis, Jr.
Executive Officer
ARB

Copy of letter to Mr. Callaghan in response to his dated August 31, 1977, regarding reservations about the conditions placed on the approval of the District's initial Subvention Application for 1977-78 Fiscal Year and making modifications to the five conditions, in response to his comments.

William H. Lewis, Jr.
Executive Officer
ARB

Copy of letter to Mr. Callaghan regarding Subvention Conditions for 1976-77 Fiscal Year.

Marvin B. Durning
Assistant Administrator for Enforcement
EPA

Enclosing draft of their civil penalties policy which is to be discussed at the meeting on December 5 with Mr. Costle.

Allyn M. Davis, Acting Director
Air and Hazardous Materials Division
EPA

Copy of letter to Richard A. Torbik, Director, Office of Planning and Research, Department of Transportation, expressing concern with respect to Consistency Determination, and identifying new transportation requirements in the 1977 Clean Air Act Amendment.

Michael Mitchell
Auditor - Controller
County of Marin

Copy of letter to Marin County Board of Supervisors with respect to the proposed Sausalito Redevelopment Agency.

Glenn County Board of Supervisors

Copy of letter to Shasta County Board of Supervisors supporting their resolutions #77-2 and 77-3, regarding funding to local air pollution control districts.

OTHER

The following reports were presented: APCO Report, Board of Directors Referral - Meterology for November 18, 1977, dated November 30, 1977; Summary of Actions Taken - Board of Directors - November 16, 1977.

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Mr. Callaghan advised that he transferred \$1000 from Account 185, Overtime Salaries to Account 250, Professional and Special Services, for Employment Agency Fee and Temporary Help in the Secretary to the Board of Directors Office.

TIME AND PLACE OF NEXT MEETING

10:00 a.m., Wednesday, December 21, 1977, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:20 p.m.

Respectfully submitted,

Mabel Harder
Secretary

MH:rbz

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BOARD OF DIRECTORS

REGULAR MEETING

Wednesday
December 21, 1977
10:00 A.M.

939 Ellis Street
San Francisco
California 94109

M I N U T E S

BOARD MEMBERS PRESENT:

Edward J. Bacciocco, Jr., Sam Chapman,
Stuart C. Cullen, Ralph P. Doetsch,
James P. Kenny, Ruth Koehler,
Elwon Lance, Marguerite Leipzig,
James Lemos, Richard Oliver,
Gerald Poznanovich, Charles Santana,
Geraldine F. Steinberg, Peter Tamaras,
Helen Tirsell.

BOARD MEMBERS ABSENT:

Fred F. Cooper, Daniel A. McCorquodale,
John L. Molinari.

ADVISORY COUNCIL MEMBERS
PRESENT:

William B. McCormick, Jack C.
Oppenheimer.

STAFF MEMBERS PRESENT:

D. J. Callaghan, Thomas F. Bell,
Hulan Brinkley, Warren R. Crouse,
Milton Feldstein, Dario Levaggi,
Donald A. Monaghan, Edward W. McHugh,
John F. Powell, Silvia Escamilla.

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JAN 31 1978

Chairperson Chapman called the meeting to order at 10:05 A.M.

APPROVAL OF MINUTES OF DECEMBER 7, 1977

The minutes of December 7, 1977 were not available for approval.

REPORT ON ENVIRONMENTAL MANAGEMENT TASK FORCE

DISCUSSION OF ABAG REPORT ON ECONOMIC AND AIR QUALITY IMPACTS
OF NEW SOURCE REVIEW

Chairperson Chapman reported that the Environmental Task Force Committee had met to review ABAG's proposed draft plan; that some modifications were made on the Plan at that meeting.

George Hagevik
ABAG

stated that ABAG's proposed draft plan in terms of air quality components emphasizes the control of hydrocarbons as being the primary problem; that it was felt that SO₂ and carbon monoxide emissions were not of significant issue and that therefore the SO₂ control was omitted; that also at the request of Metropolitan Transportation Corporation the parking surcharge imposed on suburban shopping centers was also removed; that originally MTC had proposed this surcharge but that after further analysis it was found that the benefits obtained did not justify the control measure. Mr. Hagevik pointed out that the final plan will have a variable strategy for indirect sources and new source review; that the plan is presently being printed and will be available at the end of December; that the Board of Directors will be receiving the Plan Review and Approval Schedule as adopted by ABAG.

Mr. Charles Lewis
ABAG

stated that in discussing the analysis and conclusions of ABAG's report on Economic & Air Quality Impacts of New Source Review Regulations, he reviewed how ABAG organized to conduct the analysis, what the conclusions and findings were, and what is to be done with the report. He pointed out that the study began after Dow Chemical Company decided to withdraw its application; that at the request of Supervisor Feinstein from EMTF and Supervisor Nelder from the Board of Directors, a study was done by both ABAG and District Staff to assess the major impacts of alternative new source review regulations. He stated that an Ad Hoc Committee was formed consisting of four members of the BAAPCD Board of Directors who also serve on the EMTF; that this Committee decided to conduct an analysis based on four areas; Economic Impacts, Social Impacts, Air Quality Impacts and Administrative Impacts; that the Ad Hoc Committee decided that the economic impacts could be measured against a base case situation with no source review; but that ABAG's plan is measured in terms of jobs; that the reason for this was so that there would be some economic projection of jobs in the future; that it is hoped that the existing regulation would deal with lower projections of employment.

In discussion, Mr. Lewis pointed out that in the findings of this study several assumptions were made in the analysis, namely that it was assumed that the New Source Review Regulations exist exclusively in the Bay Area so that if industry is denied a permit to operate it could have the option of locating somewhere else.

In comments, Mr. Lewis stated that research and development is going on now which could affect emissions but that it was assumed that these developments will not be in existence prior to the year 2000; he stated that ABAG's model discusses and incorporates economic impact; that it was found that, some cases under-estimate the impacts while other cases over-estimate them.

Mr. Lewis pointed out that in determining the economic impact, it was found that New Source Review can be expected to have a minor impact on total economic development in the Bay Area; that in terms of employment, it has been projected that with the New Source Review, jobs will be increased to about 2.81 million and without the New Source jobs are projected to increase 2.85 millions; that the New Source Review will not affect all manufacturing industries but that chemical industries, primarily metals and transportation equipment manufacturers will be affected; that secondary impacts indicate to be greater for local-service industries in terms of jobs not created as a result of the regulation; that it is expected to create jobs through increased employment in pollution control, design installation and maintenance of pollution control equipment rather than the manufacturing of the equipment.

In discussing the social impacts, he stated the the New Source Review will affect "blue collar" jobs more than "white collar" jobs stating that 47% of the occupation jobs affected include jobs in craft field, equipment operators and transport workers but that this did not have a significant impact on any one minority.

In discussing the Air Quality Impacts, he stated that ABAG and District Staff have estimated that without the New Source Review there will be about 50 T/D of contaminant emissions, and with it reduction would be 16%; that the options will tend to relax the existing rule, thus allowing an increase in projected contaminant emissions.

In discussing the Administrative Impacts, he stated that it was felt that all options can be implemented without problems but that Option 10 - Episodic Curtailment, presented a considerable amount of administrative problems, since it allows temporary curtailment of emissions.

Mr. Lewis stated that the report represented the "state of the art"; that it integrates the analysis made by ABAG and District staff and is the only one of its type.

Mrs. Koehler, in comments pointed out that Dow withdrew its application before a final decision was made; and also expressed concern with respect to the off-set proposal, Options 6, 7 and 8 which allow increased emissions of one contaminant to be offset through a reduction in emissions of another contaminant stating that she felt the District should not consider inter-pollutant or intraregional emission trade-off; that she needed justification for these options. Mr. Lewis replied that it was difficult to measure any distinction between these options in the existing rule; Mr. Feldstein in

comments stated that he realized that it was difficult to make a quantitative assessment; that Staff will refer this to ABAG so that this matter can be made clear in the final EMTF Plan.

In discussion, Chairperson Chapman inquired as to the economic effects on the agricultural industry, stating that the report does not discuss this aspect and felt it should be stated in the plan. Mr. Lewis advised that an attempt was made to gather information from various counties but that despite the efforts made not enough data was gathered to justify any findings, but that the final EMTF plan will so incorporate.

After further discussion, Chairperson Chapman requested that this matter be agendized for a January meeting to discuss the District's position on the plan, and that a representative of the Board will be appointed to carry that position to EMTF in time for input in the final Plan to be adopted by EMTF; stating that EMTF has set February 22 as the date when it will review and make final changes in the plan.

DISCUSSION OF AGRICULTURAL BURN DAYS IN NORTHERN AREAS

Mr. Callaghan reviewed his report entitled, North Bay Agricultural Burning Data, dated December 14, 1977. He stated that it is obvious that there is a conflict between the Districts and that he felt that this matter should be considered on the basis of what has to be controlled by each District, and recommended that the Board consider the possibility of instituting a separate North Bay Forecast for permissive agricultural burning, including Contra Costa County.

Mr. Feldstein stated that in order to change the forecast guidelines it was necessary to obtain ARB's approval; that in preliminary discussions with them they indicated that there would not be any problem in changing guidelines to include North Bay Forecasts and South Bay Forecasts for agricultural burning; that the District can, without additional input or effort, make the divided forecasts based on air quality, but that if Contra Costa County or portion of it were included in the North Bay Forecast, a problem would arise as there is some agricultural burning done in San Ramon Valley which is more attuned to the South Bay Forecast. Mr. Howard James demonstrated on a map the problem that would arise in including all of Contra Costa County or if it were divided into several portions.

After discussion, on inquiry from Chairperson Chapman, Mr. Sandberg explained the overall problem and technical justification for the change, that the overall problem arises when the District has to make forecasts for the entire District and there is a no burn day in the North because of meteorological problems that would arise in the South if it were a burn day. Mr. Sandberg recommended that the District could split into three sub-basins based on existing differences in circulation and that by making a one degree change in the temperature inversion criteria that would give the District the lead way to determine a burn day in the North and no burn in the South.

After discussion, Mrs. Koehler moved a motion of intent to direct Staff to prepare a separate North Bay forecast for permissive agricultural burning and to look into the advisability of including portion of Contra Costa County and to present to the Board for adoption; seconded by Mr. Poznanovich; carried.

DISCUSSION OF MECHANISMS TO PROVIDE LEGAL REPRESENTATION
FOR HEARING BOARD WHEN NECESSARY

Mr. Callaghan advised that he had received a letter from the Hearing Board requesting that his report to the Board of Directors with respect to the question of special legal representation of the Hearing Board when necessary, be deferred until such a time when the Hearing Board can meet with the Staff to discuss the various approaches. Mr. Callaghan requested that the matter be deferred until Staff and the Hearing Board had the opportunity to meet and discuss a proposed mechanism which could then be jointly offered to the Board for consideration.

REPORT ON PROGRESS OF SECOND GENERATION VAPOR RECOVERY NOZZLES
FOR BALANCED SYSTEMS

Mr. Gayle Karels reported that the Air Resources Board had certified two secondary systems, the Hasselmann and the Red Jacket system; that there were currently five balanced systems in various stages of State certification; and he reviewed the certification test. Mr. Karels reviewed the test results of the five balanced systems as follows: Exxon obtained a 90% efficiency on self-service and 96% overall; Texaco achieved a 93% overall; Chevron has recently started certification in Walnut Creek advising that they have installed devices that will satisfy all the requirements imposed by ARB and Fire Marshal with regard to the circulation; Atlantic Richfield is waiting for a decision from the fire marshal as to the necessity of a flame arrestor.

Mr. Karels stated that there has been some modifications made in second generation nozzles, essentially lowering of the pressure cut-off and that a device has been made to allow the customers to see if there is any recirculation.

In comments, Dr. Cullen inquired if the District is compelled by ARB to use the Red Jacket of the Hasselmann regardless of the outcome of the balanced systems certification, to which Mr. Callaghan responded by calling attention to the ARB letter, dated December 19, 1977 stating that ARB essentially is recommending that the District consider delaying the upgrading of systems installed on small throughput stations until the bulk of the larger throughput stations are upgraded. Mr. Feldstein explained that the District is presently implementing the program on the stations built after July 1, 1976 but ARB is requesting such a program be implemented for existing stations built prior to 1976.

On inquiry of Ms. Tirsell, Mr. Callaghan stated that ARB is not very anxious to certify the balanced system; that ARB has altered the requirement from 90 to 95 percent efficiency; that the balanced system would probably meet 90 percent but that ARB was not very happy about certifying the balanced system so they are requiring 95%.

Mrs. Koehler pointed out that preliminary information indicates

that the 95% may be met for full service stations but not for self-service stations, to which Mr. Karels replied that the service station that Exxon tested at was at a fuel location which had transient trade that were not familiar with the nozzles; that if out-of-state cars were excluded in the testing, the efficiency figure would have been increased; that he felt that the clientele in the Bay Area were more experienced with the nozzles.

REPORT ON ARB MODEL RULE FOR CONTROL OF EMISSIONS FROM LIGHTERING OPERATIONS

Mr. Bell stated that as he had reported to the Board on December 7, 1977, that ARB had a public hearing in Los Angeles on November 21, 1977 to consider adoption of a lightering regulation for the South Coast Basin and suggesting that San Diego also adopt the same regulation; that the BAAPCD was included in ARB's discussions and indicated its intention to have the BAAPCD adopt the same or similar regulation and that all air basins on the Coast of California should consider this matter; that at its January or February meeting ARB would further consider the matter based on the progress made by the Districts. Mr. Bell called attention to ARB's letter dated December 8, 1977, suggesting that the District adopt the same or similar rule within 90 days or by March 8, 1978. He pointed that the Board at the December 7 meeting referred this matter to the Advisory Council; that it is hoped that a public hearing could be set before the 90-day period.

On inquiry of Chairperson Chapman, Mr. Callaghan explained that there are a number of limitations required to meet the regulation. He referred to ARB's Model Rule for Controlling Emissions from Lightering Operations, dated November 21, 1977, page 4 outlining the restrictions, stating there were a number of administrative problems; that again a regulation is being forced upon the District where very little thought has been given to the enforcement process; that the tankers are required to meet the 90% or 95% reduction of organic vapors emitted during loading of each 1,000 gallons of organic liquid; that there are other areas which require intensive control; that the Coast Guard has to approve this and that so far no agreement has been reached with regard to Los Angeles and that this was a matter that should be resolved first.

In discussion, Mr. Feldstein pointed out that Section (e) (1) of the Rule requires that no act or omission shall be in violation of any regulation or other requirement of the United States Coast Guard and suggested that a Coast Guard representative be present when the Advisory Council meets to discuss the matter.

Dr. Cullen inquired if any lightering is being done now, to which Mr. Callaghan replied in the affirmative.

Ms. Tirsell expressed concern about the Advisory Council's overload of work, stating that she felt this matter would go at the bottom of their list and that ARB will be inquiring as to the reason why no action has been taken on this matter.

Chairperson Chapman responded that it is intended that after the recodification process has been completed the Board and the Advisory Council will meet to explore problems and delays experienced, and methods of improvement reviewed.

On inquiry of Chairperson Chapman, Mr. Callaghan stated that the recodification process is about 75 to 80 percent complete; that the Manual of Procedures Committee has not completed its review, Mr. McHugh stated that Regulations 1, 6, 7, 8, 9, 10, 11 and 13 are completed, that completion of Regulation 3, Permits has been delayed because of the New Source Review, that as soon as ARB takes action on this matter, work on this regulation will be concluded; that Regulation 4, Particulate Matter has been held up because of problems relating to the distinction between opacity and visible emissions; that Regulation 5 - Organic Gases, has been held up because of the organic storage tank regulation which is to be discussed at the January 18 meeting, that this rule as adopted by the Board will be incorporated in Regulation 5; that organic solvents and surface coatings will be considered at the February 1, 1978 meeting; that the Advisory Council will probably want to review the final package before submitting to the Board with its recommendations.

Chairperson Chapman stated that the Board Executive Committee will meet with the Advisory Council Executive Committee on February 1, by which time the recodification process will be finished.

Mrs. Koehler expressed concern about the proposed lightering rule stating that ARB is proposing that this regulation be effective by March 1, 1978, and inquired if the District has the right to adopt a regulation throughout the Coast or just for the Bay Area. Mr. Bell replied that in a discussion between the Coast Guard and Mr. Quinn, Mr. Quinn had indicated that the regulation would apply 35 miles out, but that the Coast Guard did not agree with this; that ARB is to let the District know later the area to be covered. Mrs. Koehler stated that she felt that the Board should concentrate on finishing the recodification process and the ARB handle the matter of the lightering regulation since ARB can deal with the tankers and the Coast Guard statewide.

Mr. Callaghan in comments stated that there were many administrative problems involved in the regulation, and that he felt the Board should be aware of those problems, to which Mrs. Koehler replied that if ARB adopted the regulation, they should enforce it.

REPORT ON ARB MEETING OF DECEMBER 20, 1977 REGARDING OFF-SET POLICY AND EXXON SO₂ EMISSIONS

Mr. Feldstein reported that on December 20, 1977 the ARB held a public hearing to consider adopting revisions to the District's Regulation 2 to incorporate an off-set policy. He stated that after many hours of discussion and testimony the ARB adopted, their regulation for the District, Mr. Feldstein pointed out that the Board has received the Advisory Council and the Staff's proposed New Source Review Regulation which includes trade-off provisions; that ARB did not agree with the proposed rule.

In comments, Mrs. Koehler inquired if the rule includes the 20% inter-pollutant or intra-region provision, to which Mr. Powell replied that it did not; that the regulation is very flexible; that ARB indicated they would send a copy of what was adopted for the District by the end of December and that a copy would be sent to the Board together with the Staff's analysis, Mrs. Koehler requested that just the analysis be sent to her.

Mr. Feldstein reported that ARB at the December 20 public hearing gave a report on emissions from the Exxon Benicia Refinery; that the report indicated that Exxon is emitting about 31 T/D of SO₂; that ARB is concerned that the SO₂ emissions is causing SO₂ to be exceeded in San Francisco and Burlingame and had a heavy impact on the particulate loading in the San Joaquin Valley. He pointed out that in discussions with ARB it was pointed out to them that there was only one excess to the State Standard of sulfur dioxide in the past seven years, that the District did a modeling study whereby it showed that meteorological conditions brought those emissions into the San Francisco Area and that the actual contribution of the Exxon plant was less than 100 ppm of the actual excess, he stated that Exxon wants to apply best available control technology to the sulfur recovery unit at the Exxon plant; that they do not like the 6000 ppm temporary level adopted by the Board until the Advisory Council completes their study; that ARB in effect stated it felt that Advisory Council was delaying the activities of the Board, and there were implications that the Advisory Council was industrially oriented, to which Mr. Kent, Chairperson of the Advisory Council, responded that members of the Council come from diverse groups. He stated the ARB and District Staffs were requested to develop a reasonable limit on SO₂.

Mr. Powell in comments on the hearing pointed out that the ARB Staff wanted the ARB Board to take over the enforcement of the Exxon refinery, during which time he reviewed for them the development of the regulation and the penalties against the refinery this past year after which the ARB concluded the District's enforcement was reasonable.

In discussion of the time limit to come up with a regulation, Mr. Feldstein stated that the matter is presently being discussed by the Advisory Council, and that the Technical Committee wanted additional modeling data. Chairperson Chapman pointed out it was important to have the information from the Council as soon as possible because they had had the matter for almost a year. He also pointed out that SO₂ had been removed as part of the AQMP because the Bay Area is considered an attainment area for this pollutant.

Mr. Powell pointed out that Mrs. Evans and Mrs. Nichols were willing to meet with the Advisory Council and Chairperson Chapman suggested they be invited to attend the joint meeting on February 1, 1978.

APPROVAL OF REFUND FOR WITHDRAWAL OF VARIANCE APPLICATION

Mr. Callaghan called attention to the letter from the Hearing Board requesting the return of \$500 filing fee to Weldron Silica because it withdrew its application for variance before action was taken by the Hearing Board.

Mr. McCorquodale moved said fee be returned to Weldron Silica; seconded by Mr. Kenny; carried.

COMMUNICATIONS
Richard Oliver, Secretary

The following communications were received:

Lucille Irish
City Clerk
Office of the Mayor
City of El Cerrito

enclosing a copy of the following documents:

1. Statement of Institution of Redevelopment Proceedings and the description of the project boundaries of the El Cerrito Redevelopment Plan recorded pursuant to Health & Safety §33373.
2. Ordinance No. 77-17 dated November 28, 1977, approving and adopting the El Cerrito Redevelopment Plan.
3. A map indicating the Redevelopment Project Area boundaries.

ABAG

Agenda for December 14, 1977 meeting.

J. E. Presten
Chevron U.S.A. Inc.

advising that Chevron entered into Stage II Vapor Recovery Certification testing with the California Air Resources Board as of December 5, 1977 at a Walnut Creek station; that this station has been equipped with nozzles designed to give maximum efficiency while maintaining adequate durability; that these nozzles reflect the current "state of the art" and are the only ones of their kind in the country. Also advising that a second brand of nozzles which have passed both durability and efficiency testing at other major oil stations have been installed at this station and that Chevron is not certain at this time whether CARB will perform efficiency tests on these nozzles. Inviting Mr. Chapman and Board members to visit the station to get an up-to-date look at the equipment and for further explanation of the equipment presently under test.

Office of Controller
County of San Mateo

enclosing exhibits 1 through 7 relating to the City of Burlingame Redevelopment Agency Bayside Development Project.

California Coastal Commission

regarding Energy Facilities to be considered in local coastal programs and enclosing copies of Proposed and Potential Energy Facilities as background information for local governments in developing the Industrial Development and Energy Facilities section in the Local Coastal Programs.

Beltran Associates

regarding Air Pollution Control Process Heat Recovery and Boiler Heat Recovery and enclosing information.

David C. Richardson
Plant Manager
American Can Company

referring to Mr. Chapman's letter of October 17, 1977 concerning a proposal to allow the American Can Company to reduce the use of their emission abatement equipment and requesting a progress report on this proposal.

Frank de Buren
Administrator
PMG Regional Laboratory
The Permanente Medical Group

advising that the Permanente Medical Group wishes to begin use of their incinerator and that they will not dispose of any raw material until an air pollution inspector has visited the site and monitor its performance.

Michael Mitchell
Auditor-Controller
County of Marin

with respect to the Proposed Sausalito Redevelopment Agency and enclosing a copy of the 1977-78 assessed valuation of the proposed Sausalito Project Area.

OTHER

Chairperson Chapman reported that due to the concern expressed by Director Steinberg with respect to the ARB and District relations, he was appointing her as Chairperson of an Ad Hoc Committee to work with the ARB and the District Staff to improve relationships and communications. Mrs. Steinberg stated that she felt more communication at Board level was needed to work directly with ARB and District Staff; that she intended to work on the major areas of disagreement and with respect to the subvention funds, that the Committee would make recommendations to the Board; Chairperson Chapman and Ms. Tirsell stated that they would serve on this Committee.

Chairperson Chapman appointed a committee comprised of Directors for the Continuing Process for the AQMP and ABAG.

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Chairperson Chapman reported that a letter had been sent to Mr. Thomas Quinn, Chairperson of the ARB inviting him to meet with Board members.

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Chairperson Chapman reported that Mr. Callaghan, Mr. Davis, Manager of Chevron and himself had met to discuss the excesses and problems at Chevron, he reported that their staff is working on the problems and that a report will be made on the progress later.

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Chairperson Chapman called attention to Mrs. Koehler's Memorandum, dated December 12, 1978, with respect to the problems of quorums at Executive Committee meetings and also with respect to the District's tardiness in complying with ARB conditions for 1976-77 Subventions. Chairperson Chapman stated that if the Executive Committee continues to lack quorums, a method will be considered to insure that there will be quorums. Staff was requested to prepare a report outlining the delays encountered and reasons thereof regarding the delays in submitting the EIS report to ARB.

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Mr. McHugh invited members to listen to a recorded statement given to the ARB by Mr. Marshall Kent, Chairperson of the Advisory Council at ARB's public hearing of December 20, 1977.

TIME AND PLACE OF NEXT MEETING

10:00 A.M., Wednesday, January 4, 1978, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 12:00 P.M.

Respectfully submitted,

Mabel Harder
Secretary

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BAY AREA
AIR POLLUTION
CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109



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